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1991·ANNUAL·REPORT

A Summary of 1990 Activities

JUDICIAL·COUNCIL OF·CALIFORNIA

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LETTER OF TRANSMITTAL

TO THE HONORABLE PETE WILSON,
Governor of the State of California,
and Members of the Legislature:

The *1991 Judicial Council Report* is presented pursuant to the provisions of section 6 of article VI of the California Constitution.

January 1, 1991

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JUDICIAL COUNCIL OF CALIFORNIA

The Judicial Council of California is required by the Constitution to survey the condition of business in state courts and to report and make appropriate recommendations to the Governor and the Legislature. (Cal. Const., art. VI, § 6.)

The *1991 Judicial Council Annual Report* summarizes the activities of the Judicial Council and its staff during 1990.

Volume I is the council's report to the 1991–92 Regular Session of the Legislature. It includes a summary of activities in the Administrative Office of the Courts, the staff agency serving the council.

Volume II provides detailed statistical data on the volume of business in all courts for the fiscal year ending June 30, 1990.

1991 Judicial Council Annual Report
Published by
the Administrative Office
of the Courts

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Constitutional Provisions for the Judicial Council

The Judicial Council was originally provided for in section 1(a) of article VI of the State Constitution adopted November 2, 1926. This section was amended November 8, 1960. On November 8, 1966, a revised article VI was adopted and the provisions of the former section 1(a) were amended and renumbered as section 6, and further revised November 5, 1974, to read:

> Sec. 6. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.
>
> Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.
>
> The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or Chief Justice, other than adopting rules of court administration, practice and procedure.
>
> To improve the administration of justice, the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.
>
> The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.
>
> Judges shall report to the Judicial Council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Other constitutional provisions dealing with the Judicial Council or the Chief Justice are found in article VI, sections 15 and 18(f). There are also a number of statutory provisions referring to the Judicial Council.

JUDICIAL COUNCIL MEMBERS

FRONT ROW, FROM LEFT: Justice Edward A. Panelli, Judge Susan P. Finlay, Chief Justice Malcolm M. Lucas, Judge Cecily Bond, Judge Roy L. Wonder, Bernard E. Witkin *(Advisory Member)*. MIDDLE ROW, FROM LEFT: William E. Davis, Judge Kathryne A. Stoltz, Senator Bill Lockyer, Judge William L. Todd, Jr., Judge Henry Ramsey, Jr., Justice Ronald M. George, Louise A. LaMothe *(State Bar Member)*, Kathy Newman *(Advisory Member)*. BACK ROW, FROM LEFT: Judge Kevil "Chip" Martin *(Advisory Member)*, Judge Rudolph R. Loncke, Judge Robert A. Barclay, Ken Torre *(Advisory Member)*, Judge B. Tam Nomoto, Kevin A. Swanson *(Advisory Member)*, Judge Patricia Bamattre-Manoukian, Kenneth W. Larson *(State Bar Member)*, Howard Hanson *(Advisory Member)*, Johnnie L. Cochran, Jr. *(State Bar Member)*, Judge Warren C. Conklin *(Advisory Member)*, Judge Douglas V. Mewhinney.

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Associate Justice, Court of Appeal
Sixth Appellate District

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Associate Justice, Court of Appeal
Second Appellate District
Division Four

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Fourth Appellate District
Division One

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1 Listings reflect membership as of December 31, 1990.

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1 All listings reflect committee membership as of December 31, 1990.
2 An advisory committee appointed by the Chair of the Judicial Council with equal representation from the Judicial Council and the California Judges Association.

JUDICIAL COUNCIL PRIORITIES

Guided by the principle that all citizens are entitled to timely access to justice, the Judicial Council adopts and periodically revises priorities for action. The council's 1991 priorities focus on improving public access to the court system and increasing understanding of court operations. In addition to driving the activities of the council's advisory committees and the Administrative Office of the Courts and guiding the activities of state courts, the council's priorities direct budgetary and other resources, fulfill the council's mandated duties, and support ongoing programs.

Following is a list of approved priorities and the council's 1991 action plan:

Improve access to justice by increasing judicial resources, providing alternatives to litigation, and reducing the cost and complexities of court proceedings

- ☐ Support the proposals of the Judicial Resources Task Force to increase judicial resources
- ☐ Provide support for obtaining new judicial positions
- ☐ Encourage regional utilization of judicial resources
- ☐ Analyze existing court-annexed alternative dispute resolution programs in the state and initiate pilot projects
- ☐ Develop stronger linkage to non-court dispute resolution forums
- ☐ Continue studying private judging activities
- ☐ Improve alternative dispute resolution and mediation programs in Family Court
- ☐ Implement statistic-gathering systems that improve the evaluation of alternative dispute resolution methods
- ☐ Evaluate the California State Bar Legal Technicians proposal
- ☐ Experiment with trial court performance standards
- ☐ Improve small claims operations
- ☐ Analyze means to increase public access to the courts

Improve fairness in the courts

- ☐ Support the efforts of the Advisory Committee on Racial and Ethnic Bias to study and develop recommendations for improvements
- ☐ Implement the recommendations of the Advisory Committee on Gender Bias
- ☐ Study the language needs of non-English-speaking litigants
- ☐ Conduct a project to provide assistance for the hearing-impaired in court proceedings
- ☐ Develop model court personnel plans and assist courts in implementing them
- ☐ Incorporate the issue of fairness in the judicial education programs of the Center for Judicial Education and Research

Promote public understanding of the judicial system

- ☐ Survey public attitudes toward the courts
- ☐ Improve the public education program
- ☐ Develop a model volunteer program for the courts
- ☐ Produce and distribute a court information/citizens handbook
- ☐ Continue the work of the Advisory Committee on Conservatorships

Plan for the future of the California court system

- ☐ Develop and integrate the planning process in the judicial branch
- ☐ Analyze the long-term information needs of the Supreme Court and the Courts of Appeal
- ☐ Appoint a committee to develop future-related issues and options for courts

Improve mechanisms to provide adequate funding for the judicial system

- ☐ Support the work of the Advisory Committee on State Court Funding

JUDICIAL COUNCIL PRIORITIES (continued)

Expand efforts to reduce unnecessary delay in trial courts

- ☐ Complete the report to the Legislature that will evaluate delay reduction programs in superior courts
- ☐ Develop rules for a differential case-management program by July 1991
- ☐ Provide technical assistance to superior courts regarding the pace of litigation
- ☐ Conduct a study of 30-day stipulated extensions under 1990 Assembly Bill No. 3820
- ☐ Modify reporting regulations for superior courts
- ☐ Continue to work with trial courts to reduce delay in the resolution of criminal cases
- ☐ Provide technical assistance to municipal and justice courts regarding delay reduction

Reduce unnecessary delay in appellate courts

Identify and utilize technology that can improve public access to the courts

- ☐ Create a technical resource center within the Administrative Office of the Courts
- ☐ Continue the Fax Filing Project
- ☐ Continue the Electronic and Video Recording Project
- ☐ Improve rural county access to technology

Adopt statewide facility standards and determine statewide facilities needs

- ☐ Adopt construction standards for courtrooms and courthouses
- ☐ Evaluate the feasibility of creating regional courtrooms for megatrials
- ☐ Develop a group that would provide courts with technical assistance regarding the construction of facilities

Implement an improved system for predicting the need for judicial resources

- ☐ Support the work of the Advisory Committee on Court Profiles
- ☐ Evaluate the need for nonjudicial staff

Improve efficiency in the judicial system through staff and management development programs

- ☐ Create a state Judicial Administration Institute
- ☐ Update the Basic In-Service Training program

Improve the function of juvenile law, family law, and other proceedings involving children and families

- ☐ Support the work of the Advisory Committees on Family Law and Juvenile Court
- ☐ Study the possibility of reorganizing family-related functions of courts
- ☐ Continue an experimental project in Orange County to expedite the handling of juvenile court appeals

Improve and expand the mechanism for bench officer training and access thereto

Develop statewide records management policies

- ☐ Initiate a records management project
- ☐ Develop technical assistance capability in the area of records management

Encourage reduction in unnecessary disparity in local court rules

Improve the administration of the traffic adjudication system in the courts

- ☐ Consider creation of a traffic advisory program similar to the small claims advisory programs
- ☐ Continue to analyze and simplify the allocation of fines, fees, and forfeitures

Recognize and honor contributions made by individual courts to the administration of justice

- ☐ Create an award in honor of Ralph N. Kleps called the "Improvement in the Administration of the Courts Award" in order to encourage broader statewide participation of state courts in fulfilling the Judicial Council priorities outlined above

STATE OF THE JUDICIARY ADDRESS

Chief Justice Malcolm M. Lucas

Highlights of the Address

- ☐ I want to sound a call to reasoned action before we find ourselves forced to unreasoned reaction.
- ☐ Planning for our justice system's future requires the setting of goals to assure fundamental fairness, efficiency, and effective delivery of services to all.
- ☐ The populations serving and being served by California courts are undergoing enormous shifts, resulting in the need for greater sensitivity in the way the legal system treats women and considers the unique issues they bring to the courts. The Judicial Council's Advisory Committee on Gender Bias in the Courts recently identified patterns of gender bias and is studying ways to change those patterns.
- ☐ A group will be appointed to study how courts may be affected by demographic, environmental, technological, and economic shifts and how courts can best respond.
- ☐ To assure every Californian access to justice, an Advisory Committee on Court Interpreters has been appointed to study the need for qualified interpreters.
- ☐ An advisory committee has begun to examine how best to meet the many challenges raised by racial and ethnic bias issues.
- ☐ The Delay Reduction Act of 1986 has demonstrated that when judges actively manage case progress from the date of filing, cases move more rapidly. We must adhere to delay reduction efforts.
- ☐ Courts have a very important role to play, but they should be viewed as only one component of an overall assault on the drug problem. Effective approaches to this crisis start with early intervention, treatment, education, and investigation of the basic causes leading to the proliferation of drug use.
- ☐ Progress has been made in court automation. Electronic and video recording is being tested in 75 courtrooms, closed-circuit TV and telephone conferencing arrangements are being reviewed, and pilot projects to study serving and filing documents by FAX now are under way.
- ☐ A Judicial Council committee is finishing standards and guidelines on court facilities, which can provide an excellent planning reference.
- ☐ Courts cannot render justice without an adequate number of judges and courtrooms. California has not seen an increase in the number of judges in three years. A regularized process of adding new judges and staff must be established.

Chief Justice Malcolm M. Lucas presented his fourth annual State of the Judiciary Address to the State Bar Conference of Delegates in Monterey, California, on August 26, 1990.

The year 2000 is drawing near. In 10 years we will enter not simply another decade, but also another century and a new millennium. I want to talk today about planning for the future.

Planning is not a luxury. Change these days happens so fast it's almost impossible to keep up. Imagine what would have happened if I had stood at the podium at the bar convention one year ago and predicted that within months the Berlin Wall would fall, governments of countries all across Eastern Europe would topple, Germany would be on the verge of reunification, and our nation would be standing shoulder to shoulder with the Soviet Union deploring Iraqi aggression. I have a feeling I would have been gently ushered from the stage and taken to a pleasant place with no sharp edges.

No matter how rapid the change, we cannot outdistance the many difficult problems that already face us unless we make plans today. Planning for our justice system's future requires attention to detail as well as a capacity for vision. It calls for setting goals—goals that assure fundamental fairness, efficiency, and effective delivery of services to litigants; goals that guarantee the appearance and, more importantly, the reality of justice; and goals to meet the needs of all those our justice system can and should serve.

Successful planning demands that planners look beyond their pocketbooks, their egos, or their places in the history books. Most importantly, we must be guided by the common good and willing to step back from the fray to assess objectively whether a plan benefits the system—even if for a time it may inconvenience us.

OK, you say, planning is all well and good, but it's hard enough to get through a workday, let alone think about getting through a decade—or a millennium. I agree. At times we seem beset by problems on every side. It is difficult to meet current needs, and recent budgetary cuts make our job even harder. But if we let the press of business govern and if we concede that we cannot give sufficient time to each case, we endanger and erode the foundation on which our government rests. Insufficient funding places our common belief in the fairness and impartiality of the system at risk. Courts cannot render justice if there are too few judges and courtrooms. As you well know, drug and drug-related cases are flooding the courts. And they are only part of a seemingly implacable growth in litigation.

Stresses on judiciary

Despite these pressures, our justice system is fundamentally sound and working well on most levels. But like an epic game of tug-of-war, there are extraordinary strains on our legal system. We must first make sure the rope doesn't break. Our next step is to end the game.

Among the many stresses on our courts are the increasingly intricate legal matters that require extra infusions of time and resources and that raise interesting questions about the role of our adversary system in settling society's difficult issues.

William Schwarzer, former district court judge and currently Director of the Federal Judicial Center, said in a recent address to the Ninth Circuit Judicial Conference: "A legal system basically designed to compensate the consumer who finds a mouse in his soft-drink bottle will be hard pressed to provide an adequate, cost-effective remedy when burdened by an avalanche of multiparty cases arising from latent toxic injury or environmental pollution." The toll taken on courts in the San Francisco Bay Area by cases involving asbestos claims dramatically demonstrates his point. And lying ahead are more massive actions stemming from occurrences such as savings and loan failures, natural and manmade disasters, and other catastrophic events.

We could ignore the changes—but that won't make them go away or restore us to the fabled good old days. Closing our eyes will only give problems a chance to mature and become intractable—and make solutions harder to come by. I want to sound a call to reasoned action before we find ourselves forced to unreasoned reaction.

We have an abundance to praise and to build on. The dedication of the vast majority of men and women who work for justice in our state is unsurpassed. Much of our legal system performs remarkably well, serving litigants admirably every day. What needs to be fixed is far exceeded by what already works. But we must work to keep it that way.

Machiavelli said many years ago that "liberty means responsibility. That is why most men dread it." We have been a nation willing to shoulder that responsibility, and we must continue to accept those obligations.

Changing demographics

That includes paying attention to demography. The populations that serve and are served by our courts

are undergoing enormous shifts. To take one example, consider the increased presence of women in our courts, as parties and witnesses—and as attorneys and judges. There has been a concomitant increase in the need for sensitivity to the way that our legal system treats women and considers the unique issues they bring to the courts.

After three years of comprehensive research and investigation, the Judicial Council's Advisory Committee on Gender Bias in the Courts, chaired by Los Angeles Superior Court Judge David Rothman and State Senator Diane Watson, recently presented its draft report, which identifies patterns of gender bias in our courts. The council is studying different ways to change those patterns and will take final action on the report in November. (See chapter 7.)

Other key demographic considerations arise from the fact that one-third of our nation's growth in the 1980s came from new immigrants—most of whom come from countries without a common law tradition. Over 120 languages are spoken in our schools. We need to be prepared to do so in our courtrooms as well.

I have also appointed an Advisory Committee on Court Interpreters. We must provide qualified interpreters to all who need them to assure every Californian access to justice.

In addition, racial and ethnic concerns merit study and resolution, and I have named United States Attorney for the Central District of California Lourdes Gillespie Baird and Associate Justice Alan Broussard to co-chair an advisory committee to examine how best to meet the many challenges raised by these issues.

As have other states, I plan to name a group to study ways our courts may be affected by demographic, environmental, technological, and economic shifts and how they can best respond. Annually, some 750,000 persons move to our state—enough to create a new City of San Francisco.

There are decisions to be made now. We must adhere to delay reduction efforts. Finding ways to efficiently manage cases is vital to the health of our system. We do not have the time or the resources to accommodate delay for the simple convenience of lawyers—or of judges.

Delay reduction advances

The Delay Reduction Act of 1986 now has been through an experimental period that demonstrated some problems and much promise. The problems generally can be solved by adjustments in various technical aspects of the program—and from what we know so far, these adjustments have not undermined the basic premises of delay reduction efforts. The bottom line is that cases move more rapidly when judges actively manage case progress from the date of filing.

As we assess delay reduction efforts, remember: the Delay Reduction Act of 1986 wasn't developed to improve on perfection—it was enacted because some very serious delay problems threatened the integrity of our courts and the respect in which they are held. Before delay reduction programs began, courts were not peopled by ecstatically happy judges, lawyers, and litigants whose cheery demeanors and unlined faces gave testament to a system running smoothly in every way. There was widespread, painful, and demoralizing delay. Getting rid of or gutting delay reduction efforts won't bring us back to better times.

Of course, court management alone cannot do the trick. We have had no expansion in the number of judges in California in three years. A regularized process of adding new judges and staff must be established. When a case is ready for trial we must have a courtroom available to try it. Judges and boards of supervisors in each county in this state have been hard pressed to carve out cash for courts from already strained budgets. State funding of trial courts has a way to go before it provides equal footing for all courts and enough money for courts to accomplish all they are called on to do.

STATE OF THE JUDICIARY ADDRESS (continued)

In these times of limited resources, delay reduction is not a panacea. But it holds real hope and provides a critical bridge to a time when we can obtain necessary resources.

In the meantime, basic changes in procedures and approaches to case management can help improve the delivery of services to litigants at far less cost than would be required by simply expanding the system with no change in method. And beyond the potential for increased efficiency, delay reduction efforts are independently important because pervasive and endemic delay itself undermines our legal system. Delay reduction is an effort we cannot and must not abandon.

We have come a long way in our effort to make courts more accessible to the public by reducing delay. But we still have a long way to go before we can say our work is done. As author David Kearns observed, "In the race for quality, there is no finish line." The collaboration of the bar and the judiciary is an essential ingredient for improving our courts and for meeting the needs of the future.

In several other ways, we are seeking answers to issues already on our doorstep. For example, at the Supreme Court we constantly review our policies to see what we can improve. As you know, we have had some changes in the membership of the court, but we are looking forward to a stable court starting in January 1991. Our policy of filing opinions within 90 days of oral argument has been successful and we have met our goal in all our cases so far. Our overall approach appears sound, and we are building up a storehouse of cases ready to be argued and expect our argument calendars to flesh out more and more in the next several months.

On other fronts, we see overburdened and outdated court facilities in many parts of the state. Who should be responsible for paying for adequate facilities? A Judicial Council committee, chaired by Judge Conrad Rushing from Santa Clara's superior court, is finishing standards and guidelines on court facilities, which can provide an excellent planning reference.

The council's Juvenile Law Committee recently concluded public hearings on a proposal to improve preventive approaches to delinquent behavior and families in danger. Another group is studying the effect of drug cases on our courts and looking at methods used by various courts to cope with these cases.

Assault on drug crisis

Let me pause here to talk about the drug problem. I don't want to belabor its effect on the courts, but talking about delay without talking about drug cases would be like talking about the third game of last year's World Series without mentioning earthquakes.

In an address to the Legislature in February 1990, I stressed the many positive aspects of our legal system and what a remarkable job the men and women who comprise that system are doing. But I also told the Legislature that our courts cannot be expected to do too much.

The effect of the drug crisis on courts extends far beyond clogged courtrooms—it can affect the overall confidence placed by society in our system. Over 200 years ago, Alexander Hamilton, in *The Federalist Papers*, argued that the administration of justice "contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government." It was true then—it is true now.

Courts have a very important role to play, but they should be viewed as only one component of an overall assault on the drug problem. Effective approaches to this crisis start with early intervention, treatment, education, and investigation of the basic causes leading to the proliferation of drug use.

Courts exist to deal with criminal conduct and to treat it firmly and fairly. But beyond criminal cases, drug use calls on court resources in uncounted other ways—in child custody matters when a parent's drug use makes him or her unable to care for a

child, in civil actions where someone has been harmed because of drug use, in divorce proceedings when a marriage is fractured by substance abuse, and on and on. We are not dealing with just a "criminal problem." This flood of cases too often means earlier intervention has been unavailable or ineffective. By the time a matter gets to court, it may be too late to make a difference in the drug user's life—or in the lives of the family or the victims.

More judicial resources required

The judicial system can do a great deal—but it cannot shoulder society's burdens with insufficient resources or inflexible procedures. We must work cooperatively with other branches of our government, while retaining our independence. But even as we are asked to do more, the spotlight on the courts poses a potential threat to our independence. Historically, courts have been the branch of government least subject to successful political pressure and political expectations.

Courts cannot offer a quid pro quo for their actions. There is no pork barrel we can dip into. Maintaining judicial independence is a core value that must be protected at any cost—but without any expectation of a return on the necessary investment other than a system that dispenses justice fairly and justly.

If we want to assure continued judicial independence, we cannot neglect educating the public about the role of the courts. In the last year we have seen very successful "Meet the Judges" forums in counties across the state, which gave citizens a chance to meet and learn from judges about how our system operates. Those forums should continue.

Continuing education of lawyers and judges is also important. Lawyers must keep their eyes fixed on their role as officers of the courts. Law is sometimes described as a business—but it is a profession first, and we must strive to keep it that way. Courtesy, scrupulously ethical conduct, and advocacy within reason and not without limits must be maintained.

Lawyers and judges alike must keep up with developments in the law and in society. Learning the newest techniques and procedures—and keeping fully acquainted with the latest developments in the law—are critical first steps toward preparing for the future.

We are also working to apply technology effectively. Electronic and video recording is being tested in 75 courtrooms, and closed-circuit TV and telephone conferencing arrangements are under review. Pilot projects to study serving and filing documents by fax got under way last month.

These are some of the ways we already are trying to meet the future. There are others. Together we will find them.

Plan for action

California's legal system is probably the finest in the world. Disagreements over our system and its role are proof not of a decline, but of vital health and the natural consequence of change. People care about the courts because they make a difference.

But we cannot be complacent. The rate of change in our world and society is ever increasing. Too often we don't have the luxury to allow slow germination of new approaches and methods. We need to anticipate change and plan for action. We need to lead and not wait to be led into the next millennium.

That means getting out of comfortable ruts and exploring unsettled territory. It means reasoned risk taking and dispassionate self-examination. It may not be easy, but the promise of reward is great. Our reward is a legal system that serves the people of our state in the best possible fashion and will continue to do so in the next century and beyond.

Thank you for your hard work and your interest in our legal system. I look forward to working with you during the years and the challenges ahead.

MESSAGE FROM THE DIRECTOR

William E. Davis
Administrative Director of the Courts

As the Judicial Council's staff agency, the mission of the Administrative Office of the Courts (AOC) is to implement the council's priorities. Among them, reducing case-processing delay is the most critical because nothing threatens our ability to dispense justice more than the slow pace of litigation plaguing our courtrooms. The support of delay reduction efforts at all court levels was the AOC's primary focus in 1990.

With the assistance of the National Center for State Courts, AOC staff visited the nine superior courts directed by the Trial Court Delay Reduction Act of 1986 to establish pilot programs to improve the pace of civil litigation.

In addition to interviewing judges and court personnel in the designated pilot courts as well as in the courts that voluntarily embarked on such programs, we collected extensive information about pending caseloads and the speed of case processing. Courts operate best when judges, not lawyers, control the pace of processing, as indicated by the results of the courts' delay reduction efforts. Our report to the Judicial Council and the California Legislature outlining the success of this historic experiment will be completed in July 1991. The enactment of Assembly Bill No. 3820, which made the delay reduction act permanent and extended its provisions statewide, was a milestone of 1990.

The AOC supported delay reduction efforts in the appellate courts as well during the year, designing various rule amendments to reduce delay and improve procedures. We are also providing technical assistance to the municipal and justice courts in their efforts to implement the case-processing time standards adopted by the council effective January 1, 1991.

Recognizing that court management alone is not the solution to today's challenges, the AOC is studying a variety of ways to increase judicial resources and funding.

In 1990, the second full year of state funding under the Trial Court Funding Act, the AOC began a statewide survey of current funding levels in all state courts. In addition, we worked with the council's Advisory Committee on Court Profiles to develop an interim method for improving the prediction of judicial resource needs. These efforts will remain a major focus of the AOC in 1991.

Court access was improved in other ways during 1990. The AOC planned and coordinated the presentation and review of the final report and recommendations of the Advisory Committee on Gender Bias in the Courts. Implementing the recommendations, which promise to correct patterns of gender bias in our courts and in our laws, will become a very important part of our workload in 1991.

We also coordinated public colloquia throughout the state to gather information and viewpoints on family law issues, helped to implement an experimental project in Orange County on expediting appeals in juvenile matters, and assisted Supreme Court staff in testing a new habeas corpus form. In addition, studies were conducted to determine how courtrooms can overcome language barriers.

Assisting the Advisory Committee on Court Facilities in developing standards for building suitable courthouses and courtrooms was another important undertaking in 1990. When adopted by the council, the standards will be applied throughout the state.

Court efficiency also is being enhanced with the aid of relevant technologies. In 1990, the AOC began testing the use of fax machines for filing and service of court papers. Automated data collection systems, closed-circuit TV arraignments, audio/video records of court proceedings, and other technologies also are being tried. In addition, development is nearly complete of a computerized Electronic Bulletin Board system that will allow the public to access calendars and opinions of the appellate courts shortly after their release.

With so much progress achieved, we can look ahead with confidence and high expectations. The AOC remains committed to helping the state's resourceful and dedicated legal community create the most equitable and efficient court system in the country.

CHAPTER 1

JUDICIARY'S YEAR IN REVIEW

In 1990, the Judicial Council established programs, drafted rules and procedures, and pursued legislation aimed at making the justice system more accessible to California residents. It forged a bench-bar consensus outlining the elements of an effective delay reduction program and launched a pilot project to test the filing and service of court papers by fax. It also considered the state's first design standards for constructing new court facilities and made progress toward eliminating disparities among local court rules.

Below is a summary of these and other Judicial Council and court activities. Additional details are provided in volumes I and II of this *Annual Report.*

Delay Reduction

The three-year pilot project that tested ways to reduce civil case-processing delay in state superior courts ended in 1990 with encouraging results. The Judicial Council will submit a comprehensive report to the Legislature by July 1, 1991, which will include recommendations for applying delay reduction methods to all state trial courts.

A consensus on what elements comprise an effective delay reduction program was reached in 1990 by the Statewide Delay Reduction Bench-Bar Consortium; its consensus statement can be found in chapter 4, "Progress in Delay Reduction."

Legislation was passed in 1990 to extend the Trial Court Delay Reduction Act of 1986. Under the new act, pilot courts will continue operating experimental local programs pending the council's submission of its report and recommendations to the Legislature in July 1991. The act applies to all delay reduction program cases filed after January 1, 1991, and requires all superior courts to adopt a program by July 1, 1992. The act also establishes minimum time frames for key events in the civil litigation process and judge-controlled attorney participation in voir dire. (See chapter 4, "Progress in Delay Reduction.")

Council staff also organized statewide delay reduction training meetings and workshops to guide municipal and justice courts in implementing civil and criminal case-processing time standards effective January 1, 1991.

In the criminal arena, the Advisory Committee on Criminal Delay Reduction was established in 1990. The council approved the committee's proposed rules and standards of judicial administration effective June 1991 as well as its recommendations for voir dire training for judges and court review of programs designed to resolve criminal cases efficiently and fairly.

Less Court Funding

A growing fiscal crisis reduced the state's contribution to trial court costs for fiscal year 1990–91. State subsidization stems from 1988 legislation that provides for partial state funding of trial court operations, with block grants and appropriations to each county based on total judicial positions. The state's portion of funding dropped from 44 percent of total costs in fiscal year 1989–90 to 38 percent in 1990–91. Meanwhile, trial court costs are forecast to jump 10 percent to $1.4 billion during that period.

As the chart on the next page indicates, the total cost of California's judicial operations constitutes only 1.8 percent of total state and local government budget expenditures.

Recognizing the importance of adequate state funding for court operations, the Judicial Council during 1990 created an Advisory Committee on State Court Funding, comprising county administrators, judges, and court administrators, to examine alternative funding structures. In addition, council staff are analyzing the impact the current funding methods are having on counties and trial courts.

Improving Fairness

A judicial landmark was the council's approval of the recommendations of the Advisory Committee on Gender Bias in the Courts. The real work of implementing the recommendations, which promise to help correct ingrained patterns of bias, is the council's next challenge. The goal of improving fairness in the courts also will be advanced by the work of two new advisory committees organized in 1990. One is studying racial and ethnic bias in the state court system and another is working to increase the number of qualified court interpreters to assist the state's growing numbers of non-English-speaking residents.

Increasing Judicial Assistance

New legislation, passed with council support, removed financial disincentives to service by retired judges and allowed retired judges serving on assignment to receive significant compensation in addition to retirement benefits.

The council in 1990 directed the Advisory Committee on Court Profiles to develop a new method for determining judicial needs and approved an interim plan to seek legislation that would create 225 new judicial positions in superior courts and 134 in municipal courts.

The council also established a task force to propose ways to alleviate the critical shortage of judicial resources. It circulated for comment a proposed constitutional amendment and statute that would create a pool of circuit judges who would be paid by the state and be available for assignment statewide. The council also is seeking legislation that would eliminate the minimum age for senior judges and pay assigned retired judges a daily rate based on the number of days worked by judges in a fiscal year.

The two new judicial assignments programs implemented in 1990 were the Certified Justice Court Judge program and the Centralized Payment of Assigned Judges program. Effective July 1, 1990, part-time justice court judges were granted the option of participating in a program designed to provide full-time salary and benefits in exchange for full-time work.

The Centralized Payment of Assigned Judges program, a new, uniform system for paying judges serving on assignment, requires the state, with exceptions, to pay all salary compensation and travel expenses of a judge assigned to a trial court and to allow retired judges to continue to receive their retirement allowances and most of the compensation of a judge of the court to which they have been assigned. To relieve counties of the financial impact of the Centralized Payment of Assigned Judges program, the council sought legislation to waive county reimbursement requirements in specified circumstances.

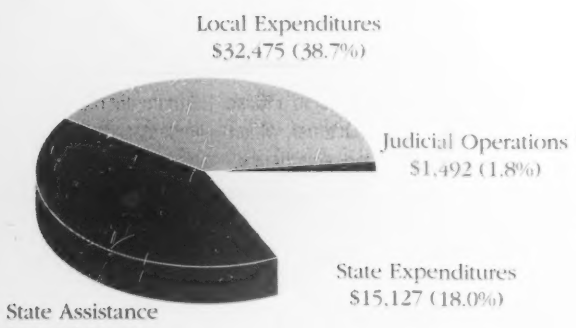
New Court Design Standards

As part of a long-term effort to modernize California's courtrooms and courthouses, the Advisory Committee on Court Facilities has developed design standards to guide courts, architects, and space planners in constructing appropriate trial court facilities. The standards guiding *courtroom* design have been circulated for statewide comment. Standards regarding *courthouse* design will be considered at the May 1991 Judicial Council meeting. The *courthouse* standards are scheduled to be released for statewide comment at that time. The committee is scheduled to submit a final proposal to the council for approval in May 1991.

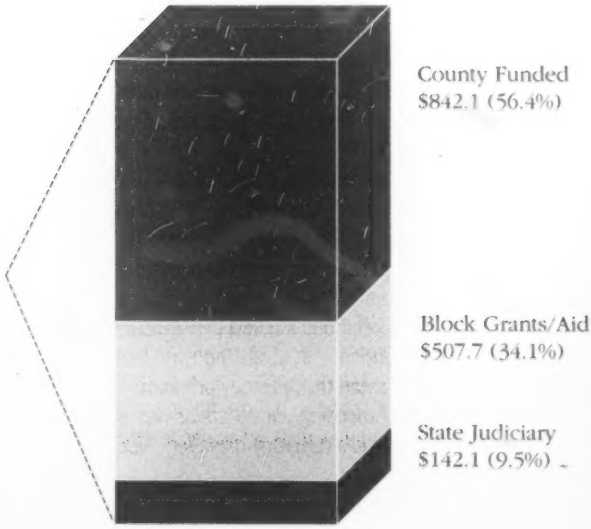
Because California lacked a reliable method for determining the appropriate number of judicial facilities needed to serve all residents, the Judicial Council in 1990 approved criteria for

State- and Local-Funded Judicial Operations 1.8 Percent of Total State and Local Government Budgets Fiscal Year 1990–91 (in million $)*

State and Local Government–$83.9 billion (exclusive of enterprise and bond funds)



Judicial Operations by Funding Source



* "Judicial Operations" excludes capital outlay, district attorney and probation services, and trial court indigent defense.

assessing the state's court facility needs. The criteria can be found in chapter 6, "Improving Access to Justice."

Private Judging Studied

The council's study of alternate dispute resolution methods, including private judging, continued to progress in 1990. After public hearings were held and all sides of the issue debated, the council's advisory committee concluded that private judging constitutes a useful dispute resolution alternative to a public system plagued by congestion. Some committee recommendations being circulated for comment would increase public access to private judging cases. Nevertheless, the council continues to support legislation and policies that improve the public system's capacity to provide timely civil dispute resolution.

New Standards for Court-Connected Mediation

The Judicial Council's 1990 accomplishments also include adoption of uniform standards of practice governing court-connected mediation of child custody and visitation disputes. The standards define what participants can expect and provide means of evaluating services and the performance of professionals.

Court-Related Bills

In addition to Assembly Bill No. 3820, which makes permanent the Trial Court Delay Reduction Act of 1986, the Judicial Council sponsored 10 of the more than 240 court-related bills enacted during 1990.

Council-sponsored bills simplify the distribution of fines, allow compensation of court-appointed counsel for minors in custody and visitation hearings, and require the council to study trial court record-keeping practices and recommend uniform record-management policies that incorporate new technology.

The council also sponsored measures that extend the statute of limitations for childhood sexual abuse actions, and that raise the monetary jurisdiction of small claims court to $5,000 as of January 1, 1991, but prohibits the filing of more than two small claims actions over $2,500 in any calendar year.

Legislation affecting judges included a bill clarifying that assigned judges and members of an oral examining board will be reimbursed for travel expenses. The bill also eliminates the 10 percent reimbursement of the lending county when part-time justice court judges sit on assignment, and it refines the process for making adjustments to the block grants of the counties involved.

Other new legislation requires the council to contract with up to 10 retired judges who will be available for assignment to trial courts in counties that have requested judges. The legislation is primarily to reduce civil trial delays in rural counties.

The Legislature also passed a bill that allows any county to participate in the pilot project testing the use of two-way television in criminal arraignments.

Bills affecting court interpreters also passed. One revises definitions relating to court interpreters for the hearing impaired, and requires the council to adopt guidelines for designating agencies that certify interpreters. The other directs the Judicial Council to collect, analyze, and publish statistics about the use of interpreters in court proceedings involving non-English speakers.

District Court Proposal Approved

Steps were taken to meet the changing needs of municipal and justice courts. After extensive discussion, the council voted to seek a constitutional amendment to remove distinctions between the two court levels and reorganize them into district courts. This change will improve the administration of justice in rural counties by establishing a district court in each municipal and justice court district and retaining all existing branch locations as branches of the district courts.

New Rules

The council enacted changes to better ensure that disputes are handled fairly and expeditiously.

In the area of delay reduction, the council amended rules to assist courts operating civil delay reduction programs after January 1, 1991. The rule changes generally affect the way cases are placed on the civil active list. The council also amended a rule, effective January 1, 1991, to facilitate criminal case resolution before preliminary hearings and to encourage cooperation among the court, the district attorney, and the public defender at all stages in the proceedings.

Also in 1990, the council continued its comprehensive revisions to the juvenile court rules. It adopted rules to provide uniform procedures for certification to juvenile court for cases involving minors, and it adopted guidelines for Court-Appointed Special Advocate programs.

Finally, the council appointed the Small Claims Court Committee to draft rules of court to ensure that litigants receive adequate notice of the availability of assistance, to prescribe

training standards for advisors and for temporary judges hearing small claims matters, and to prescribe, where appropriate, uniform rules and procedures regarding small claims actions and judgments.

Escalating Court Workload

Despite advances in court management and administration, fiscal year 1989–90 was a period of escalating workload and diminishing resources for California courts, as volume II of this *Annual Report* statistically documents.

Total superior court filings grew 3 percent to a new high of 979,800 cases and criminal cases jumped 13 percent.

An encouraging development was that general civil case dispositions exceeded filings. This was primarily due to the civil delay reduction programs operating in 19 mandated and volunteer courts. While the overall number of civil cases awaiting trial increased 9 percent between the end of fiscal year 1988–89 and the end of 1989–90, the total number of such cases pending in the mandatory delay reduction program courts increased only 7 percent.

Filings in municipal and justice courts totaled 16.4 million—more than 10.2 million were nonparking filings—and more than 14.3 million cases were disposed of. Although the condition of civil calendars in the municipal courts has improved—the number of civil cases awaiting trial dropped 34 percent since 1981–82—the number of criminal cases awaiting trial jumped 36 percent during that period.

Supreme Court filings, which increased 13 percent, reached a record high of 5,144 in fiscal year 1989–90. The Courts of Appeal also reported a record number of filings.

Temporary Judicial Assignments

Requests from presiding judges of both trial and appellate courts for temporary judicial assignments due to vacancies, illnesses, disqualifications, and calendar congestion grew to more than 19,500 days in 1989–90, up from more than 17,000 days the previous year. However, the total assistance provided was only 16,593 days, the equivalent of 76 judicial positions, and more than half of this assistance was provided by retired judges.

Due to expanding workloads, the amount of judicial assistance appellate courts, superior courts, and municipal courts were able to provide declined from last year. This heightened the importance of assistance received from retired judges and justice court judges in meeting the judicial requirements of state courts.

New Office Location

The Supreme Court, the Court of Appeal, First Appellate District (San Francisco), and the Administrative Office of the Courts (AOC) prepared for their move to San Francisco's Marathon Plaza office complex in 1991. Since the 1989 Bay Area earthquake, the AOC had operated in temporary quarters downtown, while the courts remained at the Civic Center location.

Looking Ahead

The problems of escalating court workloads, shortages of judges and other key resources, and what the council deems as California's most important challenge—developing an equitable means of court funding—will continue to demand the judiciary's attention, dedication, and courage in the years ahead.

CHAPTER 2

COMMITTEES: PRIORITIES AND PROGRESS

The Judicial Council approved numerous recommendations submitted by its committees during 1990, with the aim of expanding judicial resources and court access, increasing fairness, and improving the administration of justice. These included proposals to modify trial court funding, to develop a more accurate method of determining judicial resource needs, and to expand judicial resources. The council also adopted a recommendation for a constitutional amendment to allow federal appellate courts to secure from the California Supreme Court authoritative statements of California law and considered proposals to eliminate the remaining distinctions between municipal and justice courts.

The Judicial Council performs most of its work through standing and advisory committees.

The four standing committees comprise council members, who are appointed to the committees by the Chief Justice. Standing-committee members review reports from advisory committees after circulation for statewide comment and make recommendations to the full council. The committees operate under standards and procedures designed to ensure thorough consideration of every proposal brought before the council for action.

The number of advisory committees varies from year to year. Under Government Code section 68501, the chairperson of the council may appoint "committees composed of judges, retired judges, attorneys and experts in specialized fields, or any combination thereof, to advise the Judicial Council in studying the condition of business in the several courts and the means for simplifying and improving the administration of justice and in the performance of any other duties of the council authorized or imposed by law."

The advisory committees generally consist of judges, attorneys, court staff, and others who are not members of the council; committee members may be appointed for the duration of a specific project or study or they may be appointed for a specified term. Their reports and recommendations usually are received by a standing committee and forwarded to the Judicial Council for action.

Following are summaries of the mandates, priorities, and activities of each of the council's standing and advisory committees during 1990.

Standing Committees

Court Management Committee

During 1990, the Court Management Committee devoted considerable time to reviewing the progress made by trial courts in the delay reduction pilot project. It also reviewed status reports on many other projects, including proposals to: modify trial court funding and increase judicial resources; develop court profiles that accurately determine the need for judicial resources; and develop standards for the construction of court facilities.

Following is a summary of the committee's recommendations that were adopted by the Judicial Council.

Civil delay reduction

The revised Trial Court Delay Reduction Act, effective January 1, 1991, repealed authority to adopt local program rules inconsistent with statute or with the California Rules of Court. It also established new minimum statutory case-processing time frames for completing critical steps in the litigation process. The act applies to all delay reduction program cases filed after January 1, 1991, and to all superior courts after June 30, 1992.

Six rules were amended to assist courts operating delay reduction programs after January 1, 1991. These changes permit disposition of a case within the case-processing time standards adopted by the Judicial Council and within the new statutory case-processing time frames. The rule changes generally affect the way cases are placed on the civil active list. Statistical reporting regulations defining case termination were reviewed and adopted by the Chief Justice. The committee received information reports on negotiations to extend the act. A consensus statement on the most effective case management features common to all pilot delay reduction programs, which was developed at the last 1990 statewide delay reduction consortium, also was received with great interest.

A comprehensive report can be found in chapter 4, "Progress in Delay Reduction."

Other civil

The Facsimile (Fax) Filing Pilot Project was implemented by the adoption of rules 2001 through 2010, which set up the experiment in 13 superior and municipal courts. After the committee received additional comment, several of the rules were amended, effective October 1, 1990.

The Abstract of Judgment and two subpena forms (Civil, and Criminal or Juvenile) were revised on recommendation of the Advisory Committee on Legal Forms to comply with statutory changes and to make several technical amendments.

Criminal delay reduction

The Advisory Committee on Criminal Delay Reduction reported on: issues raised by implementation of the Crime Victims Justice Reform Act (Proposition 115, passed by the voters in June 1990); the continuing court management problems posed by drug cases; and a proposal to relieve municipal court congestion through statutory changes that would give prosecutors and the courts discretion to treat certain offenses as infractions or misdemeanors.

The Judicial Council sent a letter to the presiding judge of each trial court. It requested that judges be encouraged to obtain education and training in voir dire, that the court review programs for early resolution of criminal cases, and that judges be encouraged to take a leadership role in community education and resolution efforts concerning drug abuse.

AOC staff were directed to propose consistent statutory procedures for impaneling a second grand jury in any county and to seek legislation that gives discretion to treat certain offenses as infractions or misdemeanors.

Staff were further directed to study and propose revised statistical reporting regulations, including those pertaining to statistics on filings for drug offenses and to reporting on the resolution of probation violations.

Rule 227.10 was amended, effective January 1, 1991, to facilitate criminal case resolution before preliminary hearings and to encourage cooperation among the court, the district attorney, and the public defender at all stages of the proceedings.

Other criminal

The Advisory Committee on Voir Dire made a number of recommendations for amendments to the Standards of Judicial Administration and the Rules of Court concerning jury selection. The Crime Victims Justice Reform Act, effective June 6, 1990, required additions and changes to the rules and standards before its implementation. Rules 228.1(b) and 516.1(b) were adopted concerning submission before the pre-voir dire conference of written questions in criminal cases. Section 8.6 of the Standards of Judicial Administration, which concerns uninterrupted jury selection, and section 8.8, which concerns judicial education related to voir dire, were adopted.

Passage of the Crime Victims Justice Reform Act resulted in the amendment or adoption of the following rules and standards: rules 227.3(a)(3), 227.4(2), 227.10(a)(1), 228, 228.1, 228.2, 516, 516.1, and 516.2, and sections 8.5(a)(1), 8.5(a)(2), and 8.7. Several rules and standards also were repealed.

The report on the Criminal Voir Dire Pilot Project, required by former section 223.5(c) of the Code of Civil Procedure, was approved for transmittal to the Legislature. The pilot project provided for a limited form of judge voir dire in the Fresno County and Santa Cruz County Superior Courts from July 1, 1988, to June 6, 1990, at which time it was superseded by provisions of Proposition 115. The advisory committee noted that the pilot project produced inconclusive results because its statutory design was flawed.

The *Crime Victims' Compensation* pamphlet was revised in English and Spanish, effective January 1, 1991, to reflect recent changes in the State Victim Compensation Program. AOC staff also were authorized to make technical revisions and to submit an information report on the revisions. The Advisory Committee on Court Interpreters was requested to study the feasibility of translating the pamphlet in Vietnamese and other languages.

Trial court funding

The Chief Justice appointed an Advisory Committee on Trial Court Funding to study the desired structure of state funding of the trial courts. It submitted several information reports on proposals for full state funding.

Rule 810 (Court Operations) was amended at the request of the State Controller to clarify expenses that courts must include in their budgets in order to qualify for state funding.

Courthouse construction standards

The Advisory Committee on Court Facilities reported regularly to the committee and the council with recommendations on pending bills concerning courthouse construction.

As directed, staff sought legislation with funding for a study to determine the feasibility of a regional state courtroom or courtrooms for large-scale trials (Stats. 1990, ch. 1162). In addition, the committee approved Court Facilities Needs Assessment Criteria that would have allowed a statewide needs assessment after passage of a courthouse construction bond initiative. The bond measure failed, however.

Standards for new courtroom construction were approved for circulation for statewide comment. Meanwhile, development of courthouse construction standards continues.

Judicial resources

The Advisory Committee on Court Profiles was directed to continue developing new methods for determining judicial needs. The council approved an interim plan that included seeking legislation for an omnibus judgeship bill to create 225 new superior court judicial positions and 134 new municipal court judicial positions. The council directed the advisory committee to evaluate requests for new judges and to make recommendations at the May 1991 council meeting for allocating judicial positions among courts with demonstrated need.

The Judicial Resources Task Force was established to propose ways to alleviate the critical shortage of judicial resources. Task force recommendations that were adopted include: circulating for comment a proposed constitutional amendment and statute that would create positions for circuit judges who would be paid by the state and available for assignment statewide; and seeking legislation that eliminates the minimum age for senior judges and pays assigned retired judges a daily rate based on the number of days worked by judges in a fiscal year.

AOC staff were directed to prepare a pamphlet for courts that suggests procedures for accommodating visiting judges.

Centralized payment of assigned judges by the Administrative Office of the Courts went into effect on July 1, 1990. To relieve counties of the program's financial burden, the council sought legislation to waive county reimbursement requirements in specified circumstances. Rule 813 was adopted to define "reciprocal agreement" and "exchange assignment," conditions that would waive the 50/10 county reimbursements under Government Code section 68541.5.

After circulating for comment a proposal to amend rule 204 on the selection and term of presiding judges, which drew extensive comment, the Court Management Committee asked the Chief Justice to appoint a special committee comprising court administrators and present and former presiding judges of trial courts. The committee would meet and make recommendations on issues pertaining to the selection, tenure, and retention of presiding judges, and on related court management issues.

Training

The Court Management Committee received status reports on the annual Court Management Conference and the Mid-Level Managers Conference, which were held to exchange information on innovative court programs and new court management policies. At the suggestion of the California Association of Superior Court Administrators, AOC staff were directed to circulate for comment the proposal to create a statewide training agency, the California Judicial Administration Institute, which would provide development and training for court staff.

Court interpreters

The Advisory Committee on Court Interpreters was asked to identify current issues, to direct a statistical study on the use of language and the mandated use of interpreters in the courts (Stats. 1990, ch. 1108), and to propose a plan for increasing the number of qualified court interpreters. In November the committee submitted a report summarizing its plans. The council approved the committee's first proposal to seek legislation that would amend

Court Management Committee

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Associate Justice
Court of Appeal
Fourth Appellate District
Division One

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Presiding Judge
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Hon. Henry Ramsey, Jr.
Judge, Superior Court
Alameda County

Hon. Susan P. Finlay
Judge, Municipal Court
San Diego County

Hon. B. Tam Nomoto
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Orange County

Hon. Douglas V. Mewhinney
Judge, Justice Court
Calaveras County

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Mr. Ken Torre
Association for Superior Court Administration
San Mateo County
Advisory Member

Hon. Warren C. Conklin
Judge, Superior Court
President of the California Judges Association
San Luis Obispo County
Advisory Member

section 68565 of the Government Code. The amendment would allow federally certified interpreters to be placed on the recommended list without taking the state examination.

Other action

In recognition of the importance of waste reduction and recycling, a new standard, section 17.5, was adopted to encourage each court to participate in a county program for waste reduction and recycling or to adopt a program of its own.

Appellate Court Committee

During 1990, the Appellate Court Committee completed its review of pending delay reduction proposals and took several other actions to improve the administration of justice on appeal.

The most significant committee recommendations adopted by the Judicial Council during 1990 were to:

- ☐ amend the Constitution to allow federal appellate courts to secure from the California Supreme Court authoritative statements of California law;
- ☐ clarify the handling of the record on appeal of sensitive material treated confidentially in the trial court (confidential in-camera proceedings);
- ☐ revise the procedure for ordering and paying for the reporter's transcript in civil appeals to eliminate wasted time (rule 4); and
- ☐ reduce to 15 days the time period in which a civil case can be dismissed or other sanction imposed after notice that an appellate brief is late (rule 17).

1991 proposals

The Appellate Court Committee will consider several new appellate rule proposals in 1991. They include:

Rule 22.5—Time of submission

To prevent a cause that was transferred to a Court of Appeal by the Supreme Court from being overlooked, a new subdivision (c) would provide that such a cause automatically will be deemed submitted within a specified time after the transfer, unless the Court of Appeal already is taking clear action on the case.

Rule 40(n)—Filing by mail or overnight common carrier

At the suggestion of appellate court clerks, this subdivision would be amended to: change the filing date provision to a provision treating the document as timely if transmitted by an approved method before the end of the day it was due; and require counsel relying on the rule to enclose a notice to the clerk expressing that reliance.

The committee and the council took no action on a proposal to amend rule 40(n) so that it would apply to petitions for original writs.

New rule 185.5—Counsel for misdemeanor appellants

This would be a statewide rule to help ensure timely appointment of counsel for indigent misdemeanor appellants. A preliminary draft rule was revised substantially in accordance with the comments received.

New delay reduction proposals also will be considered in 1991.

Appellate Court Committee

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Associate Justice
Court of Appeal
Sixth Appellate District

Hon. Ronald M. George
Associate Justice
Court of Appeal
Second Appellate District
Division Four

Hon. William L. Todd, Jr.
Associate Justice
Court of Appeal
Fourth Appellate District
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Judge, Superior Court
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Mr. Kenneth W. Larson
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San Pablo

Mr. Bernard E. Witkin
Attorney at Law
Berkeley
Advisory Member

Mr. Kevin A. Swanson
Appellate Court Clerks' Association
Advisory Member
Fresno

Superior Court Committee

During 1990, the Superior Court Committee considered numerous proposals involving retired judges, family and juvenile law matters, and changes to the California Rules of Court.

The Judicial Council approved the following recommendations made by this committee:

Retired judges

- ☐ Seek legislation to fix the amount a retired judge may elect to receive from a county as daily compensation by waiving the compensation provisions of Government Code section 68543.5.
- ☐ Study ways to encourage retired judges to continue to serve (e.g., the federal senior judge system).

Rule 490

- ☐ Amend rule 490 to specify that the notice setting the time for execution of a death penalty be mailed to the executive director of the California Appellate Project in San Francisco. AOC staff were directed to monitor the operation of the rule to determine other problems.

Summary judgment

- ☐ Circulate for comment proposed new rules and guidelines for summary judgment and direct staff to study the potential impact of the proposals on motions for summary judgment in unlawful detainer actions.

Family law

- ☐ Adopt 24 new and revised family law forms for use in family law and domestic violence proceedings, in addition to a new family law summons containing restraining orders. The council also amended rule 1216 to provide that the family law summons, whose restraining orders are confidential under Code of Civil Procedure section 412.21(c), should be handled in the same manner as other summons.
- ☐ Adopt rule 1459 and amend rule 1463 to clarify procedures relating to the termination of parental rights under Welfare and Institutions Code section 366.26.
- ☐ Adopt a new child support guideline to be used by all California courts to establish child support. New rule 1274 creates a rebuttable presumption that the guideline amount is correct and thereby ensures the state's compliance with federal requirements. The rule replaces the Agnos Child Support Standards Act, which is repealed on the new rule's effective date.
- ☐ Circulate for comment a proposed new rule 1257, which would govern evaluations of parenting plans.

Juvenile law

- ☐ Adopt the following two forms for optional use, effective July 1, 1990: Notice of Hearing—Juvenile; and Letters of Guardianship—Juvenile. Staff were directed to recirculate both forms statewide for comment on whether they should become mandatory. The forms' use was made mandatory effective January 1, 1991.
- ☐ Adopt juvenile court rules to provide uniform procedures for certification of cases involving minors. The council approved for optional use, effective January 1, 1991, 14 forms whose use will become mandatory on July 1, 1991, and six forms whose use is mandatory as of January 1, 1991. The council also adopted program guidelines for Court-Appointed Special Advocate (CASA) programs and directed staff to seek legislation to change the sunset date in section 110 of the Welfare and Institutions Code from January 1, 1992, to January 1, 1994.

Rules of Court

☐ Make technical amendments to the California Rules of Court: (1) amend rule 1606 to cite Code of Civil Procedure section 170.1 rather than section 170 as the grounds for disqualification; (2) amend rule 1613(b)(3) to correct the reference to the code section permitting objections to the receipt in evidence of a deposition to cite Code of Civil Procedure section 2025(g) instead of section (2016)(e); (3) correct the reference to the section on criteria for exempting depositions from the limitations of rule 1613(b) to cite Code of Civil Procedure section 2025(u) instead of section 2016(c) and change several pronouns to gender-neutral language; and (4) amend rule 1616(a) to permit a request for a trial de novo to be deemed valid if filed after a copy of the award is served on the parties but before it is filed with the clerk of the court.

The council directed AOC staff to study and report on potential conflicts between the use of the arbitration rules and the use of the Code of Civil Procedure to disqualify an arbitrator or a judge at a trial de novo.

Writ of habeas corpus

☐ Amend rule 56.6 and approve an experimental form of petition for writ of habeas corpus to be used by petitioners in four counties, effective July 1, 1990. The counties are San Bernardino, Marin, Sacramento, and San Luis Obispo.

Local rules

☐ Seek legislation to amend sections 68070 and 68072 and to repeal section 68071 of the Government Code to require courts to comply with Judicial Council rules regulating adoption of local rules.

☐ Repeal and adopt rule 981, effective July 1, 1991, to provide the procedure for adopting and publicizing local rules.

Transcript preparation

☐ Adopt a new rule 34.5 to implement 1990 legislation adding to Code of Civil Procedure section 269 a new subdivision (b). The rule provides that the judge shall order transcript preparation to begin immediately after conviction of a felony by trial on the merits, "unless the court determines that it is unlikely that no appeal from the decision will be made . . . based on standards and rules adopted by the Judicial Council." The rule contains standards against which the judge may measure the likelihood of an appeal before ordering immediate preparation of the record.

Family Court Services

☐ Seek legislation to stabilize and standardize funding for the Statewide Office of Family Court Services. The amendments of Civil Code section 5183, Government Code section 26832, and Health and Safety Code section 10605(c) would specify that funds be transmitted to the State Treasurer for deposit in a separate fund or in an account within the General Fund and that the program could be funded from other general fund monies by legislative appropriation.

Sentencing

☐ Make general revision of the sentencing rules. An advisory committee recommended the revisions to make the rules more usable.

Private judges

☐ Conduct further studies of the issues raised by private judging and its effects on the public system. AOC staff were directed to: seek or support legislation to increase the number of authorized judicial positions; remove the financial disincentive to service by retired judges; and allow retired judges serving on assignment to receive significant compensation in addition to their retirement benefits.

Staff were requested to draft a number of interim rules and standards pending the results of a broader study. The rules are to include provisions that open to the public proceedings conducted by private judges pursuant to Code of Civil Procedure sections 638 and 639.

Superior Court Committee

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Hon. Patricia
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Associate Justice
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Sixth Appellate District

Hon. Richard P. Byrne
Presiding Judge
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Los Angeles County

Hon. Henry Ramsey, Jr.
Judge, Superior Court
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County Clerks' Association
Advisory Member
San Rafael

Municipal and Justice Court Committee

During 1990, the Municipal and Justice Court Committee focused on the restructuring of the municipal and justice courts into district courts, certification and assignment procedures for justice court judges, and proposals to simplify the distribution of fines and penalty monies.

The committee took the following actions and made the following recommendations to the Judicial Council during 1990:

Justice court judges

Government Code section 68202.5 (Stats. 1989, ch. 1417) provides that each justice court judge will become a full-time judge and receive the salary and retirement benefits of a municipal court judge, beginning with the next term of office. The legislation requires judges of part-time courts to be available for assignment whenever the home court does not require their presence. During present terms of office, justice court judges may elect to participate in the full-time program.

The Municipal and Justice Court Committee considered a staff report, prepared in consultation with representatives of the California Judges Association, that developed proposed certification and assignment procedures and a rule (rule 795) to determine a judge's availability for assignment.

The Judicial Council, on the recommendation of the committee, adopted rule 795 and also requested that the Chief Justice approve its adoption, as is required by Government Code section 68202.5(d)).

In addition, the council recommended that the Chief Justice approve proposed certification and assignment procedures and appoint a special committee to oversee their implementation, and that he make recommendations on any special situations or changes and on possible standards for granting and revoking certification of judges.

District court proposal

In late 1989, the Judicial Council deferred action on a proposal by the Advisory Committee on the Administration of Justice in the Rural Counties to restructure the state's municipal and justice courts into district courts. The council asked the advisory committee to report on the impact the proposal would have on metropolitan courts.

During 1990, the proposal was distributed for statewide comment, and all municipal and justice court judges received a copy. Based on the statewide consensus that a distinction should no longer be made between the municipal and the justice courts, the district court proposal was amended and resubmitted for consideration by the Municipal and Justice Court Committee. As finally submitted, the proposal eliminated the remaining distinctions and, on the committee's recommendation, the council voted to seek a constitutional amendment that would remove those distinctions and improve the administration of justice in the rural counties. More information about the district court proposal can be found in the report of the Advisory Committee on the Administration of Justice in the Rural Courts in this chapter.

Traffic and small claims

The Municipal and Justice Court Committee recommended, and the council adopted, the revised Uniform Bail Schedules for use under rule 850, including a provision authorizing a court to consider prior convictions within the past 36 months to enchance total bail. The committee also recommended that the council sponsor legislation to eliminate the Notice of Violation form because it is infrequently used and confusing to the defendant.

Early in 1990, the committee recommended that the council support legislation sponsored by the State Bar to raise the jurisdictional limit of small claims court to $5,000. After passage of this legislation, the council approved the revision of four small claims forms to comply with the changes effective January 1, 1991.

The committee also reviewed the progress of the Small Claims Court Committee, appointed in August 1990 to: draft rules of court to ensure that litigants receive adequate notice of the availability of assistance; prescribe training standards for advisors and for temporary judges hearing small claims matters; and prescribe, when appropriate, uniform rules and procedures regarding small claims actions and judgments.

Fines, forfeitures, and penalty assessments

Several recommendations from the Committee on Fines, Forfeitures, and Penalty Assessments were approved by the Municipal and Justice Court Committee and adopted by the Judicial Council. This committee was appointed in September 1989 to develop a simplified method of accounting and distribution that the courts can use to allocate fines, forfeitures, and penalty monies among various funds, and to make recommendations to the Municipal and Justice Court Committee.

The Municipal and Justice Court Committee recommended and the council voted to sponsor or support legislation to:

- ☐ allow the Department of Motor Vehicles, for a fee, to accept delinquent bail from a motorist who attempts to renew a driver's license;
- ☐ require municipal and justice courts to deposit 2 percent of all revenue collected from criminal cases (including traffic cases) into a fund that the courts can use to develop, maintain, and enhance their automated accounting and case-processing systems, and to train staff on these systems;
- ☐ impose a $10 fee per case upon proof of correction for correctable violations dismissed under the Vehicle Code, and allocate one-third of the collected revenue to the state, one-third to the issuing local governmental entity, and the remainder to the county;

Municipal and Justice Court Committee

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Hon. Cecily Bond
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Sacramento County

Hon. Richard P. Byrne
Judge, Superior Court
Los Angeles County

Hon. Rudolph R. Loncke
Judge, Municipal Court
Sacramento County

Hon. B. Tam Nomoto
Judge, Municipal Court
Central Orange County Municipal Court District

Hon. Robert A. Barclay
Judge, Justice Court
Modoc Justice Court District

Hon. Douglas V. Mewhinney
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Ms. Louise A. La Mothe
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Ms. Kathy Newman
Association of Municipal Court Clerks
Deputy Clerk
San Leandro-Hayward Municipal Court District
Advisory Member

Hon. Kevil "Chip" Martin
California Court Commissioners Association
Commissioner
Pasadena Municipal Court District
Advisory Member

- ☐ impose a fee to attend traffic violator school (TVS) equal to the lowest total bail for the TVS-qualifying charge; allocate one-third of all TVS revenue to the state, one-third to the issuing local governmental agency, and the remainder to the county; and provide that if a violator who has paid the TVS fee does not complete traffic school, the posted fee converts to a bail forfeiture; and
- ☐ impose a fee of up to $30 (not to exceed the actual processing costs) for processing installment accounts for the first six months, and impose an additional fee of up to $25 for each additional six-month period (not to exceed the actual processing costs).

Other actions

During 1990, the Municipal and Justice Court Committee also took the following actions:

After reviewing comments from judges, courts, and bar associations, the committee recommended that the council sponsor legislation to eliminate motions for summary adjudication of issues in the municipal and justice courts.

The committee also recommended and the council approved the use of optional forms by municipal and justice courts and an administrative agency to implement new Food and Agricultural Code sections 31601–31683. These code sections set up a judicial or administrative hearing procedure to determine whether a dog is potentially dangerous or vicious.

The council also adopted for mandatory use effective July 1, 1990, the revised Notice of Filing Claim of Exemption to reflect the amendment of Code of Civil Procedure section 706.105.

The Municipal and Justice Court Committee also recommended and the council authorized staff to forward to the Legislature the report of the National Center for State Courts, *A Comparison of the Performance of Eight- and Twelve-Person Juries*, in accordance with chapter 1337 of the Statutes of 1986.

Judicial Council Advisory Committees

Advisory Committee on the Administration of Justice in the Rural Counties

During 1990, this committee, which was formed in 1988 to study the structure, organization, and support of rural county courts, focused on

The following advisory committee reports appear elsewhere in this volume, as indicated:

Advisory Committee on Court Facilities
See chapter 6, page 62

Advisory Committee on Court Interpreters
See chapter 7, page 74

Advisory Committee on Court Profiles
See chapter 6, page 59

Advisory Committee on Criminal Delay Reduction
See chapter 4, page 48

Advisory Committee on the Fax Filing Pilot Project
See chapter 9, page 98

Advisory Committee on Gender Bias in the Courts
See chapter 7, page 64

Advisory Committee on Legal Forms
See chapter 8, page 86

Advisory Committee on Local Rules
See chapter 8, page 77

Advisory Committee on Private Judges
See chapter 6, page 61

Advisory Committee on Racial and Ethnic Bias
See chapter 7, page 74

Advisory Committee on Trial Court Funding
See chapter 5, page 52

Advisory Committee on Voir Dire
See chapter 8, page 79

obtaining Judicial Council approval to seek a constitutional amendment that would replace existing municipal and justice courts with district courts.

A one-hour open forum, led by a panel of five advisory committee members, was arranged at the Court Management and Presiding Judges Conference in April to discuss issues and concerns raised about the proposal, particularly by representatives of the metropolitan courts.

A May meeting—at which advisory committee members, council committee members, and urban and rural county representatives negotiated and agreed on amendments addressing the concerns of metropolitan courts—led to an amended district court proposal, which was submitted to the Municipal and Justice Court Committee in September. The Judicial Council adopted the committee's recommendation to circulate the amended proposal for statewide comment.

In November, the Judicial Council adopted the recommendation of the Municipal and Justice Court Committee to seek a constitutional amendment that would remove the remaining distinctions between municipal and justice courts and that would improve the administration of justice in the rural counties by:

- ☐ establishing a district court in each municipal court district and justice court district that exists on the effective date of the constitutional amendment and retaining all existing branch locations as branches of the district courts;
- ☐ providing that the Legislature prescribe the jurisdiction of the district courts, as now provided under present law applicable to municipal courts;
- ☐ providing that the Legislature organize the district courts, as now provided under present law applicable to municipal courts;
- ☐ providing that the Legislature prescribe for each district court the number, qualifications, and compensation of judges, officers, and employees;
- ☐ providing that incumbent judges, officers, and employees of the existing municipal courts and justice courts become the judges, officers, and employees of the district courts;
- ☐ providing that any district court may, in the future, by statute, be divided into one or more branches after a recommendation by the Judicial Council and with the consent of a majority of the judges of the court;
- ☐ providing that two or more courts or branches of one or more courts may be organized, by agreement of the majority of judges of each court, into one or more circuits for regional resource sharing or administrative purposes;
- ☐ providing that a person is eligible to become a district court judge if the person has been a member of the State Bar for five years immediately preceding selection;
- ☐ providing that the term of office for a district court judge is six years beginning the Monday after January 1 following a judge's election and that incumbent judges who become district court judges will complete the terms for which they were appointed or elected; and
- ☐ providing that the Governor shall appoint a person to fill the vacancy in a district court.

Advisory Committee on the Administration of Justice in the Rural Counties

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Hon. Robert A. Barclay
Vice-chair
Judge, Modoc Justice Court District

Hon. John E. Buffington
Judge, Superior Court
Humboldt County

Hon. John J. Golden
Judge, Superior Court
Lake County

Hon. Donald R. Kennedy
Judge, Superior Court
Shasta County

Hon. Donna Petre
Judge, Superior Court
Yolo County

Hon. Thomas A. Smith
Judge, Municipal Court
El Dorado County

Hon. Anthony W. Ishii
Judge, Parlier-Selma
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Hon. John L. Loomis
Judge, Trinity County
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Mr. Dennis J. Gravelle
Clerk/Court Administrator
Northern Solano Municipal
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Ms. Roberta Norton
Clerk, Calaveras Justice
Court District
San Andreas

Mr. Robert Wandruff
Clerk, California Supreme Court
San Francisco

Mr. Kenneth E. Cater
Chief Probation Officer
El Dorado County

Mr. Louis S. Haffner
Public Defender
Yolo County

Mr. Dave Richmond
District Attorney
Amador County

Advisory Committee on Conservatorships

The Chief Justice appointed this advisory committee in 1990 in response to a growing need to provide care for adults who are unable to manage their personal or financial affairs because of aging, developmental disability, or other reasons.

The committee's two major responsibilities are to develop an "information package" on the responsibilities of private probate conservators (Prob. Code, § 1835), and to provide policy-planning assistance to the Judicial Council on conservatorship issues.

The advisory committee comprises judges with conservatorship experience; probate commissioners; attorneys representing the State Bar; court investigators; the president of the statewide association of public administrators, public conservators, and public guardians; representatives of legal, health, and community services for the elderly and the developmentally disabled; a court clerk; authors of books and materials on conservatorship issues; and specialists in conservatee assessment and community-based services for conservatees.

The committee's first priority was to develop the *Judicial Council Handbook for Conservators*. The handbook is being designed to help conservators care for conservatees' personal needs, manage conservatees' finances, and work with the court, attorneys, court investigators, and others concerned with the conservatorship. It will explain the rights of conservatees and outline the duties of conservators. It also will include community resources, sample letters, inventories and accountings, and other helpful information. Local superior courts will be asked to supplement the handbook with a list of local resources. The handbook is scheduled for distribution in July 1991, after circulation for general comment.

The advisory committee is producing a videotape, which supplements the handbook, for statewide use. The tape is aimed at prospective conservators and highlights key parts of the handbook. The AOC will make copies of the tape available to the courts and will assist them in using the tape to instruct conservators.

The committee also is working with practicing attorneys to produce a consumer education pamphlet on conservatorships and alternatives, and it will ask the State Bar to print and distribute the pamphlet as a part of the bar's public education program.

Advisory Committee on Conservatorships

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Hon. Robert M. Olson
Judge, Superior Court
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Ms. Mary J. Quinn
Director, Probate Court Services
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Ms. Jacqueline Cannon
Public Conservator's Office
Riverside

Ms. Bonnie Darwin
California Association of Hospitals and Health Systems
Sacramento

Mr. Eric R. Gelber
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Protection and Advocacy
Sacramento

Ms. Lynn H. Goldis
Assistant Director
Senior Care Network
Pasadena

Ms. Pamela J. Jester
Continuing Education of the Bar
Berkeley

Ms. Orah I. Young
Executive Director
Legal Assistance for Seniors
Oakland

Ms. Mozelle Zarit
Department of Mental Health
Sacramento

Ms. Judith Chinello
Private Professional Conservator
La Canada

Ms. Janet R. Morris
Bet Tzedek Legal Services
Los Angeles

Mr. Stirling (Terry) Ross
Attorney at Law
Mill Valley

Ms. Susan House
Attorney at Law
Pasadena

Mr. W. Scott Thomas
Attorney at Law
San Francisco

Ms. Patricia Lerman
Editor
Aromas

Ms. Deanna J. Marquart
Consultant
Sacramento

Also in 1990, the committee worked with the Advisory Committee on Legal Forms and the Judicial Council in revising four existing conservatorship forms and adopting one new form, as required by statute. (See the "Legal Forms" section in chapter 8.)

After completing the *Handbook for Conservators*, the committee will begin policy planning on conservatorship issues. The Judicial Council is scheduled to review the committee's proposals for changes in court administration, practice and procedure, and legislation. The council also will consider proposals for court rules, legal forms, and court services, as well as proposals regarding training and other conservatorship issues.

Advisory Committee on Family Court Services

The Judicial Council is mandated by Civil Code sections 5180–5183 to coordinate all child custody mediation and family conciliation services in California family courts.

One of five service areas, the research grant program provides for an advisory committee to review the progress of current grants, review submitted grant proposals, and recommend new grantees to the Judicial Council. In 1990, seven funded grant projects were under way; one, "Analysis of California's Child Support Guidelines," was completed at year end. The council approved an additional grant for funding in 1991.

Advisory Committee on Family Court Services

Hon. Richard M. Silver, Chair
Judge, Superior Court
Monterey County

Hon. Fred K. Morrison
Judge, Superior Court
Sacramento County

Hon. Thomas Ray Murphy
Judge, Superior Court
San Diego County

Ken Torre
Association for Superior Court Administration
Executive Officer/Jury Commissioner
Superior Court
San Mateo County

Mr. Lynn O. Bundy
Family Court Services
Madera County

Dr. Mary Duryee
Director
Family Court Services
Alameda County

Mr. David Kuroda
Torrance Conciliation Court
Torrance

Ms. Cathy Lyman
Child Custody Investigation
Mediation Office
Siskiyou County

Ms. Jan Shaw
Family Conciliation Court
Orange County

Mr. Van O. Kinney
Attorney at Law
Redding

Mr. Clarence (Buzz) Walters
Attorney at Law
Sacramento

Judith H. Buffaloe
Member of the Public
San Diego

Carol Federighi
Member of the Public
Contra Costa County

Advisory Committee on Family Law

Appointed in 1987 with a broad mandate to make recommendations regarding family law issues, this committee during 1990 studied several committee reports, including the draft report to the Judicial Council of the Advisory Committee on Gender Bias in the Courts, which contains sections on family law and domestic violence. The committee commented extensively on the draft report.

One of the committee's long-term projects neared completion in 1990 with a series of five colloquia on the subject of "goodwill," an intangible marital asset that appears to be treated disparately on dissolution.

The colloquia, designed by the committee to study issues related to goodwill, were held in San Diego, San Francisco, Fresno, Sacramento, and Los Angeles. Participants included certified public accountants and real estate appraisers as well as family law attorneys and judges. Presenters prepared papers and exchanged views on the subject with the audience.

UCLA Law Professor Grace Ganz Blumberg, who attended each colloquium, has been retained to report to the advisory committee and the Judicial Council on the colloquia. The report may be published and made available for citation.

The Judicial Council also authorized, at the committee's recommendation, circulation for comment of a proposed rule 1257 to establish procedures for the selection of custody evaluators and to require domestic relations courts to adopt policies on specified issues. The policies would be contained in a document available to parties involved in an evaluation of proposed parenting plans.

Following the adoption of legislation in 1991 that would permit courts to pay attorney fees for children in family law cases when the parties are unable to do so, the committee will propose guidelines that family law judges would use in determining who pays for the child's attorney. The guidelines will be submitted to the Judicial Council for adoption.

Also on the committee's recommendation, legislation was enacted that increased from $16,000 to $25,000 each the amount of separate and community property parties may own while retaining eligibility to file a summary dissolution proceeding.

In addition, the committee studied ways to permit law practices to be conducted on a sliding scale of fees, and the design of experimental projects to increase access to the courts for family law and domestic violence litigants.

Advisory Committee on Family Law

Hon. Anthony C. Joseph, Chair
Judge, Superior Court
San Diego County

Hon. Rodney Davis
Associate Justice
Court of Appeal
Third Appellate District

Hon. Donald B. King
Associate Justice
Court of Appeal
First Appellate District
Division Five

Hon. Howard Broadman
Judge, Superior Court
Tulare County

Hon. Ina Gyemant
Judge, Superior Court
San Francisco County

Hon. Richard Montes
Judge, Superior Court
Los Angeles County

Hon. Vance Raye
Judge, Superior Court
Sacramento County

Hon. Donald E. Smallwood
Judge, Superior Court
Orange County

Robert Schnider
Commissioner, Superior Court
Los Angeles County

Ms. Joanne Lederman
Executive Officer
Superior Court
Alameda County

Mr. Hugh McIsaac
Director
Family Court Services
Conciliation Court
Los Angeles

Mr. George O. Nielsen
District Attorney's Office
San Francisco

Mr. Michael E. Barber
Attorney at Law
Sacramento

Mr. Irwin Buter
Attorney at Law
Los Angeles

Ms. Simone Campbell
Attorney at Law
Oakland

Mr. Christopher F. Emley
Attorney at Law
San Francisco

Ms. Patricia Phillips
Attorney at Law
Los Angeles

Ms. Pam Pierson
Attorney at Law
San Francisco

Advisory Committee on the Future of the Courts

The Chief Justice appointed this advisory committee in 1990 to explore the impact of demographic, environmental, technological, and economic trends on the courts and to make recommendations for a court system plan for the future. The committee's work is called "2020 Vision: A Plan for the Future of California Courts."

The current nine-person committee, whose membership will expand in 1991 to include legislators and other distinguished leaders from fields outside the judiciary, is working with the Administrative Office of the Courts to raise funds to finance the massive research this project requires.

This project has five major objectives: 1) to survey a random sample of the California populace to determine current public attitudes toward and future hopes for the court system; 2) to develop informational materials and curricula to enable judges and court personnel to become more familiar with, and apply, "futures" thinking and planning principles; 3) to train California court personnel in long-term planning techniques; 4) to assist local courts in their planning efforts by establishing an ongoing clearinghouse and technical assistance resource center; and 5) to develop a long-term plan for the California court system. Project activity will have three overlapping phases: information gathering; public education and consensus building; and plan development and evaluation.

In the first phase, the committee, assisted by the AOC, will gather information from various "futures" conferences, literature, research, surveys, and focus group studies. It also will review proposals and reports from research organizations, universities, and experts in many fields, and choose authors to fully develop theses on various topics related to the future of the courts, such as "Family and the Courts."

In its second phase, in 1992, the 2020 Vision project will share its information with the public and the Legislature. Project papers will be presented to the annual statewide symposium on court management. Court personnel will receive training in "futures" thinking, along with other planning tools. The published materials will be offered to the Judicial Council to aid in the council's formation of its annual action plan.

The final phase of the project will incorporate evaluation and long-range planning as a permanent part of the California court system. The AOC will establish long-term planning as part of its ongoing activities. For the preparation of a final report and plan, the committee will divide into subcommittees based on the topics of the papers selected. Futurists, experts, and AOC staff will work with the subcommittees to analyze all the information gathered and will assist the full committee in drafting the first long-range plan for the California courts. The report and plan will envision the evolution of the courts from 1990 into the 21st century. Finally, the plan and report will be submitted to the Judicial Council for follow-up action.

Advisory Committee on the Future of the Courts

Hon. Harry W. Low
Presiding Justice
Court of Appeal
First Appellate District
Division Five

Hon. Vance W. Raye
Associate Justice
Court of Appeal
Third District

Hon. David A. Horowitz
Judge, Superior Court
Los Angeles County

Hon. Judith McConnell
Presiding Judge, Superior Court
San Diego County

Hon. Carol A. Corrigan
Judge, Municipal Court
Oakland-Piedmont-Emeryville
Municipal Court District

Ms. Sheila Gonzalez
Executive Officer/Jury
Commissioner
Ventura County Superior and
Municipal Courts

Mr. Winslow Christian
Attorney at Law
San Francisco

Ms. Nanci G. Clinch
Attorney at Law
Nevada City

Mr. Alan I. Rothenberg
Attorney at Law
Los Angeles

Advisory Committee on Judicial Performance Procedures

This committee was appointed in 1988 to conduct a comprehensive review of the rules and procedures for proceedings before the Commission on Judicial Performance. After submitting its report in 1988, the advisory committee continued to monitor the rules as well as a 1988 constitutional amendment providing for open hearings before the commission. In 1989, the advisory committee recommended and the Judicial Council adopted a set of rules designed to implement the open hearing provision. No open hearings have yet been held before the commission.

In 1990, the committee considered the following four proposals for action by the Judicial Council:

- ☐ A suggestion submitted by the Commission on Judicial Performance that the rules for presiding judges be amended to shorten the length of time that triggers the duty to notify the commission of a judge's absence caused by disability and to clarify that the reporting duty applies both to absence and to any failure to perform judicial duties
- ☐ A suggestion submitted by the Commission on Judicial Performance that the commission become involved in the investigation and resolution of conduct complaints against commissioners and referees
- ☐ California's participation in a judicial performance evaluation program initially sponsored by the American Bar Association and subsequently by the National Center for State Courts
- ☐ Appropriate mechanisms for future review of proposed changes in the rules and procedures affecting judicial conduct

The Judicial Council, acting on the recommendation of the advisory committee, took the following actions:

- ☐ Effective January 1, 1991, the Judicial Council amended rules 78, 205, and 532.5 to clarify the duties of presiding judges to report both the failure of judges to perform judicial duties and their absences caused by disabilities. The council deferred consideration of reducing the time necessary to trigger the reporting duty until a judicial leave policy is drafted
- ☐ A proposal to create a system whereby the Commission on Judicial Performance would handle complaints against commissioners and referees was referred for comment and other action to: the next appropriate presiding judges meeting sponsored by the Administrative Office of the Courts; the California Judges Association; and the Center for Judicial Education and Research for development of an educational program
- ☐ The council requested the Administrative Office of the Courts to continue to collect information about and monitor judicial evaluation programs nationally

The Judicial Council also has requested creation of a permanent Advisory Committee on Judicial Performance Procedures to consider all proposals affecting matters of judicial conduct and discipline. The council suggested that one-third of the members of the existing advisory committee be replaced and that all members serve three-year staggered terms. This permanent advisory committee is necessary to ensure effective scheduling and consideration of future proposals.

The council's request for a permanent advisory committee was based on three factors. First, the rules affecting judicial performance are of primary importance to the fair and efficient administration of justice and deserve painstaking consideration and wide public comment. Second, rule changes in this field should be handled regularly, but too-frequent changes should be discouraged. In addition, judges should be familiar with rule provisions. The permanent advisory committee will establish a schedule for consideration of rule changes that will ensure both continuity and flexibility. Finally, judicial discipline is a technical area. The expertise developed by those who regularly consider proposed rule changes is significant and will contribute to the effective review of future proposals.

Advisory Committee on Judicial Performance Procedures

Hon. Richard Schauer, Chair
Retired Presiding Justice
Court of Appeal
Second Appellate District
Division Seven

Hon. Elwood Lui
Retired Associate Justice
Court of Appeal
Second Appellate District
Division Three

Hon. Harmon G. Scoville
Retired Presiding Justice
Court of Appeal
Fourth Appellate District
Division Three

Hon. William P. Hogoboom
Retired Judge, Superior Court
Los Angeles County

Hon. Thomas Konsgaard
Retired Judge, Superior Court
Napa County

Hon. David M. Rothman
Judge, Superior Court
Loas Angeles County

Hon. Susan P. Finlay
Judge, Municipal Court
South Bay Municipal Court
District

Mr. Dale Hanst
Attorney at Law
Santa Barbara

Advisory Committee on Presiding Judges' Terms and Expertise

This advisory committee, formed in 1990, will recommend to the Judicial Council additions and amendments to rules and Standards of Judicial Administration aimed at improving the ability of presiding judges and court management to direct the operations of the courts.

Recent developments in the courts, such as trial court delay reduction programs and state funding negotiations, have made court management increasingly complex. Provision for longer terms for presiding judges has been suggested as a way to improve the operation of the trial courts. Other suggestions relate to improving the governing structure of trial courts, encouraging long- and short-range planning at the local level, and establishing better relations with local and state agencies.

The committee also will study the relationship between the presiding judge and the executive officer or clerk-administrator of the court and ways to improve transitions between new and departing presiding judges. It also will consider whether a separate rule regarding presiding judges is required for municipal courts.

Advisory Committee on Juvenile Court Law

This committee was appointed in 1988 to study juvenile and other court proceedings involving minor children and to make recommendations to the Judicial Council for improving the juvenile justice system in California. In 1990, the committee drafted and made recommendations concerning juvenile court rules and forms, rules to provide uniform procedures for certification to juvenile court of cases involving minors, and guidelines that encourage development of local court-appointed special advocate programs for assisting abused and neglected children who are the subject of judicial proceedings.

Revision of juvenile court rules

During the past two years, the advisory committee has worked on a comprehensive revision of the juvenile court rules. Most of the initial rule changes made dependency proceedings conform to significant legislative changes. In 1990, the advisory committee reviewed rules relating to minors described by sections 601 and 602 of the Welfare and Institutions Code and proposed revisions that made rules conform to statutory and case law changes and clarified procedures.

To preserve internal consistency among the rules, the committee also made technical amendments relating to dependency cases. New rules on juvenile court forms, prehearing motions, and sealing records also were added.

Certification to juvenile court

As part of its review of rules pertaining to delinquent minors described by section 602 of the Welfare and Institutions Code, the committee suggested adding identical rules 241.2 and 529.2 for superior and municipal courts to provide for uniform procedures for certification to juvenile court of cases involving a person found during the course of a criminal proceeding to be under the age of 18 on the date an offense is alleged to have been committed.

Juvenile court forms

A goal of the advisory committee is to develop forms for use in juvenile court proceedings to clarify procedures and encourage greater statewide uniformity. In 1990, the Judicial Council approved forms for optional use in juvenile court proceedings, and other forms for mandatory use, effective July 1, 1991. (See the section "Legal Forms" in chapter 8 of this volume for a list of new juvenile court forms.)

Advisory Committee on Presiding Judges' Terms and Expertise

Hon. Howard M. Dabney, Chair
Associate Justice
Court of Appeal
Fourth Appellate District
Division Two

Hon. Cecily Bond
Judge, Superior Court
Sacramento County

Hon. Richard P. Byrne
Presiding Judge, Superior Court
Los Angeles County

Hon. James P. Darrah
Judge, Superior Court
San Joaquin County

Hon. Michael I. Greer
Judge, Superior Court
San Diego County

Hon. David W. Leahy
Judge, Superior Court
Santa Clara County

Hon. Herbert Curtis III
Presiding Judge, Municipal Court
Monterey County Municipal Court

Hon. Annette LaRue
Judge, Municipal Court
Consolidated Fresno Municipal Court District

Hon. Alice A. Lytle
Judge, Municipal Court
Sacramento Municipal Court District

Mr. Charles Ramey
Executive Officer
Superior Court
Solano County

Court-Appointed Special Advocate programs

Legislation (Stats. 1988, ch. 723) amended sections 100–110 of the Welfare and Institutions Code to require the Judicial Council to establish guidelines that encourage development of local court-appointed special advocate (CASA) programs for assisting abused and neglected children who are the subject of judicial proceedings. The legislation also called for the establishment of a grant proposal program to be administered by the Judicial Council. The council, effective January 1, 1991, adopted the committee's proposed guidelines for mandatory use in any superior court or county receiving funding under the grant program. These counties will incorporate the guidelines into local rules of court as required by the legislation.

During 1990, the advisory committee continued the juvenile court system study. It plans to submit to the council in 1991 recommendations for improvements. The committee developed a draft proposal for reducing the incidence of child abuse and delinquency and for improving the way juvenile court addresses the needs of children and families. Public hearings on the proposal were held in San Diego, San Francisco, Sacramento, and Los Angeles. The committee has begun a comprehensive review of the public hearing testimony and the correspondence received on this proposal. In 1991, the committee will focus on specific issues and areas of concern addressed in testimony and correspondence, and will draft proposed legislation for council action.

Advisory Committee on Juvenile Court Law

Hon. Patrick J. Morris, Co-chair
Judge, Superior Court
San Bernardino County

Ms. Pamela A. Mohr, Co-chair
Attorney at Law, Public Counsel
Los Angeles County and
Beverly Hills Bar Associations
Los Angeles

Hon. Arthur G. Scotland
Associate Justice, Court of Appeal
Third Appellate District

Hon. Paul Boland
Judge, Superior Court
Los Angeles County

Hon. Dennis Bunting
Judge, Superior Court
Solano County

Hon. Leonard P. Edwards
Judge, Superior Court
Santa Clara County

Hon. James Garbolino
Judge, Superior Court
Placer County

Hon. Sheridan Reed
Judge, Superior Court
San Diego County

Hon. Arnold D. Rosenfield
Judge, Superior Court
Sonoma County

Hon. Wilmont Sweeney
Judge, Superior Court
Alameda County

Hon. Kathryn Doi Todd
Judge, Superior Court
Los Angeles County

Hon. Patricia Bresee
Commissioner, Superior Court
San Mateo County

Hon. Shelley McEwan
Commissioner, Superior Court
Solano County

Ms. Marsena Buck
Director
Department of Social Services
Stanislaus County

Mr. Renaldo Carboni
Deputy County Counsel
Juvenile Center
Sacramento County

Ms. Rita Cregg
Acting Director, Child Advocates Office
Los Angeles Superior Court

Mr. Mitchel J. Harris
Deputy District Attorney
Los Angeles County

Mr. Harold La Flamme
Attorney at Law
Santa Ana

Ms. Alice C. Shotton
Attorney at Law
San Francisco

Mr. Joseph Spaeth
Managing Attorney
Office of the Public Defender, Juvenile Division
San Francisco

Mr. John Stettler
Chief Probation Officer
San Luis Obispo County

Advisory Committee on Publication of Official Reports

The official reports of California appellate courts are published under the general supervision of the California Supreme Court and the specific direction of the Reporter of Decisions. Under their supervision, a private publisher edits opinions for publication and prints and distributes the reports of opinions to subscribers. Under statute, the Chief Justice, the Secretary of State, the Attorney General, the president of the State Bar, and the Reporter of Decisions contract, on behalf of the state, with the publisher who will perform the work on terms most advantageous to the state and to the public. The current contract expires in 1991.

In 1990, the Chief Justice appointed this statutory advisory committee to assist the contracting officials in developing specifications for the new contract and in distributing them to potential publishers. The Secretary of State, the Attorney General, and the president of the State Bar suggested potential committee members who would be aware of their concerns.

In the course of its meetings in 1990, the committee completed the substance of the specifications and made decisions that may have a major impact on the reports. These include:

- ☐ The new contract will require the publisher to release the reports in CD-ROM computer-readable form as well as in book form
- ☐ The publisher will be required to have clearly specified contingency plans in case of natural disaster, such as the recent Loma Prieta earthquake
- ☐ A commitment is required to try to publish advance sheets sooner after the actual date of decision
- ☐ Electronic transmission of the text of opinions to the publisher, now performed on over 90 percent of opinions, will be continued and expanded, either under a technical arrangement similar to the current one, or by having the publisher download the opinions from a planned "electronic bulletin board" to which the public will have access

The new contract will be entered into effective November 1991, when the current contract expires.

Advisory Committee on Publication of Official Reports

Hon. Edward A. Panelli, Chair
Associate Justice
California Supreme Court

Hon. Nat A. Agliano
Presiding Justice, Court of Appeal
Sixth Appellate District

Mr. John Sugiyama
Assistant Attorney General
San Francisco

Mr. Anthony L. Miller
Chief Deputy Secretary of State
Sacramento

Mr. Gerald Z. Marer
Attorney at Law
Palo Alto

Mr. Edward W. Jessen, Secretary
Reporter of Decisions
San Francisco

Advisory Committee on Riverside and San Bernardino County Experimental Sanction and Settlement Procedures

1987 legislation established two related experimental procedures in Riverside and San Bernardino Counties. One procedure, added by section 447 of the Code of Civil Procedure, adopts the provisions of rule 11 of the Federal Rules of Civil Procedure to provide sanctions for filing frivolous papers.

The other procedure, added by section 1021.1 of the same code, provides for an award of some attorney fees to a party that makes an offer for judgment under Code of Civil Procedure section 998 if the opposing party fails to obtain a more favorable judgment at trial.

Appointed in 1988 to assist the council with its duties under the legislation, this committee determined that the enabling legislation should be amended to apply the procedures to personal injury actions. The Judicial Council sponsored legislation (Stats. 1990, ch. 584) that was modified to retain these procedures and extend the experiment for an additional two years.

The committee will issue a final report at the end of the experiment evaluating the effectiveness of these procedures in reducing trial court congestion.

Advisory Committee on Riverside and San Bernardino County Experimental Sanction and Settlement Procedures

Hon. Thomas E. Hollenhorst, Chair
Associate Justice
Court of Appeal
Fourth Appellate District
Division Two

Hon. William P. Hyde
Judge, Superior Court
San Bernardino County

Hon. Ben T. Kayashima
Judge, Superior Court
San Bernardino County

Hon. Victor Miceli
Judge, Superior Court
Riverside County

Hon. Michael F. Flynn
Judge, Municipal Court
Corona Municipal Court District

Hon. Frederick A. Mandabach
Judge, Municipal Court
San Bernardino County Municipal Court District

Hon. Robert J. McIntyre
Judge, Municipal Court
Desert Municipal Court District

Hon. John B. Morgan
Judge, Municipal Court
Three Lakes Municipal Court District

Hon. Richard G. Van Frank
Judge, Municipal Court
Mt. San Jacinto Municipal Court District

Mr. Lemoyne S. Badger
Attorney at Law
Riverside

Mr. Caywood J. Borror
Attorney at Law
San Bernardino

Mr. Terry Dean Bridges
Attorney at Law
Riverside

Mr. Robert M. Holstein, Jr.
Attorney at Law
Riverside

Mr. Stephan Gray Saleson
Attorney at Law
San Bernardino

Mr. Ronald G. Skipper
Attorney at Law
San Bernardino

Mr. James D. Ward
Attorney at Law
Riverside

Advisory Committee on Sentencing

The Determinate Sentencing Act of 1976 gave the Judicial Council the goal of developing rules to guide judges in felony sentencing. The sentencing rules for superior courts (Cal. Rules of Court, rule 401 et seq.) were adopted in 1977 before the sentencing law had even taken effect and have been amended only slightly since that time. Revision was necessary because of statutory amendments, cases interpreting the law, and experience in working with the law and the rules.

This advisory committee, formed in 1988, completed a comprehensive review of the sentencing rules for superior courts and proposed a substantial rearrangement and modification of the rules. In addition to revising the rules to reflect changes in statutory and case law, the committee improved their clarity and usefulness. In 1990, the Judicial Council adopted the advisory committee's recommendations with minor modifications, effective January 1, 1991.

Advisory Committee on Sentencing

Hon. Herbert B. Hoffman, Chair
Judge, Superior Court
San Diego County

Hon. Rose Hom
Judge, Superior Court
Los Angeles County

Hon. Jean E. Matusinka
Judge, Superior Court
Los Angeles County

Hon. Steven Z. Perren
Judge, Superior Court
Ventura County

Hon. John J. Ryan
Judge, Superior Court
Orange County

Hon. Patricia K. Sepulveda
Judge, Superior Court
Contra Costa County

Hon. Peter A. Smith
Presiding Judge, Superior Court
Marin County

Mr. David Rose
Deputy Attorney General
San Francisco

Ms. Holly D. Wilkens
Deputy Attorney General
San Diego

Ms. Linda Erwood
Probation Department
Santa Cruz County

Mr. Jay B. Gaskill
Public Defender
Alameda County

Mr. Richard B. Lennon
California Appellate Project
Los Angeles

Ms. Carolyn Lewinski
Probation Department
San Diego County

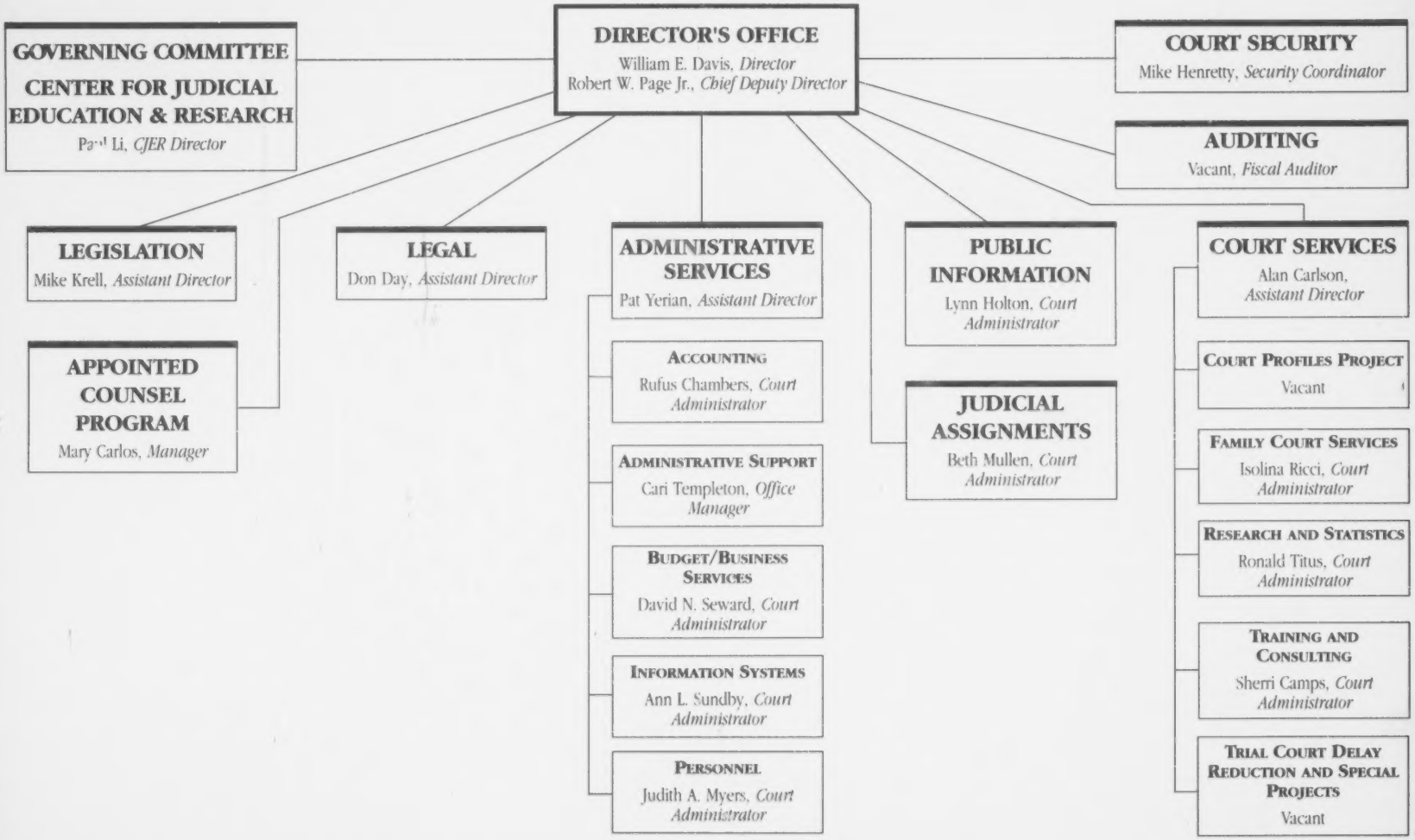
CHAPTER 3

ADMINISTRATIVE OFFICE OF THE COURTS

Increasing public access to the courts through the support of delay reduction and trial court funding, simplified procedures, rules and forms, technical innovations, and training of court personnel was the driving force behind the activities of the Administrative Office of the Courts (AOC) during 1990. A summary of the major assignments of each AOC unit appears on the following pages. Highlights included:

- ☐ coordinating bench-bar consortiums on delay reduction that produced a consensus statement regarding elements of effective delay reduction programs;
- ☐ helping municipal and justice courts prepare for new case-processing time standards, effective January 1991;
- ☐ monitoring the impact on the courts of state funding and identifying changes that resulted from funding;
- ☐ assisting in the development of design standards for construction of facilities;
- ☐ monitoring courts that are testing audio and video recording techniques;
- ☐ drafting rules governing the filing and service of papers by fax, and rules to help standardize local court rules;
- ☐ planning and coordinating the presentation and review of the report and recommendations of the Advisory Committee on Gender Bias in the Courts;
- ☐ coordinating statewide public colloquia to gather information and viewpoints on family law issues;
- ☐ beginning development of a new methodology for determining judgeship needs in trial courts; and
- ☐ implementing centralized payment of assigned judges and the Certified Justice Court Judge Program.

Administrative Office of the Courts – 1990 Organization Chart



History of the Administrative Office of the Courts

The AOC carries out the official actions and policies of the Judicial Council, which has policy-making and rule-making authority for the state court system (Cal. Const., art. VI, § 6), under the supervision of the Administrative Director of the Courts, also provided for by the state Constitution.

The AOC was established by a Judicial Council resolution delegating authority to the Administrative Director of the Courts. The resolution was adopted in 1962 in accordance with an amendment to the Constitution, and in 1970 became part of the California Rules of Court (rules 990–992).

The AOC consists of various units, including Legal, Legislative, Court Services, and Research and Statistics, in addition to the Center for Judicial Education and Research (CJER), which directs a comprehensive education program for state judges.

A summary of the major functions and 1990 activities of all AOC units follows. The activities of CJER are described in chapter 10, "Judicial Education."

Legal Unit

In 1990, this unit planned and coordinated four general business meetings of the Judicial Council and wrote a total of 101 reports for consideration by the council. It also planned and coordinated the regular meetings of the council's four standing committees.

Assisting the council's various advisory committees, this unit drafted: a comprehensive update of the juvenile court rules; amendments to conform the California Rules of Court with the provisions of the newly enacted Trial Court Delay Reduction Act, which became effective January 1, 1991; amendments to conform the rules with the provisions of the Crime Victims Justice Reform Act (Proposition 115); rules governing the filing and service of papers by fax; rules to improve the accessibility and format of local court rules; amendments to the rules on the duty of a presiding judge to report judicial absences, disabilities, and failure to perform judicial duties; various proposed rules and statutes designed to increase available judicial resources; amendments to the sentencing rules to conform to recent legislation; and a proposed new rule on the evaluation of parenting plans.

The Legal Unit also prepared for consideration by the council and its committees various rule amendments designed to reduce delay and improve procedures in the appellate courts; a revision of the *Crime Victims' Compensation* pamphlet; a standard for local court policies on waste reduction and recycling; rule amendments implementing 1990 legislation to improve procedures for compensating assigned judges; and amendments to the judicial arbitration rules.

A number of new and revised court forms were drafted and presented to the council, including new juvenile court forms and revisions of forms for domestic violence, small claims, abstract of judgment, subpoena, claim of exemption (wage garnishment), and family law. The unit also prepared a new set of forms to implement chapter 761 of the Statutes of 1989, on controlling dangerous and vicious dogs.

Major 1990 activities included planning and coordinating the presentation and review of the report and recommendations of the Advisory Committee on Gender Bias in the Courts. In addition, the unit coordinated public colloquia throughout the state to gather information and viewpoints on family law issues, helped implement an experimental project in Orange County on expediting appeals in juvenile matters, and assisted Supreme Court staff in testing a new habeas corpus form. The unit also provided staff support on certain matters under review by the State-Federal Judicial Council.

Finally, members of the legal staff performed various services in the role of legal counsel to AOC units. These included: assisting in drafting contracts for purchases, leases, and consultant services; reviewing a wide range of contracts; serving as liaison counsel to the Office of the Attorney General on several claims and lawsuits involving the judicial branch; and serving as legal consultants to a variety of Judicial Council project teams and committees.

Legislative Office

This office, located in Sacramento, closely monitored each of the 1,618 court-related measures introduced by the California Legislature during the 1989–90 session. The office screened court-related proposals from a total of 7,955 measures introduced during the two-year legislative session. Altogether, 426 court-related measures became law. An annual summary of each chaptered measure was prepared for publication in the November edition of the AOC's newsletter, *Court News*. For more information, see also chapter 11, "Summary of Legislation," in this report.

Legislative Unit staff also completed annual court cost and revenue estimates for California trial courts, which are used to estimate the fiscal impact of court-related legislation (see chapter 5, "Trial Court Funding").

In addition, judgeship needs studies were forwarded to legislative authors and to appropriate committees upon introduction of a bill or an amendment adding judicial positions.

Court Services Division

The Court Services Division was formed to assist trial courts in implementing Judicial Council priorities and policy initiatives; implementing new legislative mandates; improving court operations through the adoption of modern and innovative management and administrative techniques; and serving as a clearinghouse for information about activities in the courts. In addition, the division provides policy analysis for the Judicial Council and the Legislature and maintains management information about all levels of courts.

The division is composed of two types of units: one provides services to all courts, the other focuses on particular areas within a court's jurisdiction. The first category includes Trial Courts Special Projects, Training and Consulting, Court Profiles, and Research and Statistics; the second includes Family Court Services and the traffic adjudication elements of the Training and Consulting Unit.

Trial Court Special Projects

During 1990, the Trial Court Special Projects staff provided assistance in the areas of delay reduction, state funding of trial courts, and electronic recording, and provided support for smaller projects and projects directed by staff in other divisions.

The unit undertook its major effort in the area of delay reduction. Staff continued to monitor the work of the consultant hired to report on the nine mandatory delay reduction courts. Staff also began visiting the 10 volunteer delay reduction courts to prepare a report to the Judicial Council and the Legislature on the Assembly Bill No. 3820 experiment, which modified the delay reduction programs. Several bench-bar consortiums on delay reduction also were held, culminating in a consensus statement regarding elements of effective delay reduction programs. Finally, some technical assistance was provided to courts regarding the implementation of Assembly Bill No. 3820.

Delay reduction efforts were expanded to help municipal and justice courts prepare for the new case-processing time standards that become effective in 1991. Two statewide workshops were held, one for the larger courts and one for the smaller courts. The workshops included information on case management techniques in general, specific aspects of delay reduction programs already implemented by courts, and examples of data-gathering techniques for determining the ages of terminated and pending cases. The programs were attended by 244 judges and court support staff representing 112 municipal and justice courts.

Staff continued to monitor the courts testing audio and video recording techniques. Workshops were held allowing participating courts to share experiences and observe new installations. The courts also shared training programs, manuals, and forms.

Staff also monitored the impact on the courts of the second full year of state funding. Courts were again surveyed to identify changes made as a result of the funding. To aid the work of the Advisory Committee on Trial Court Funding, in fall 1990 staff began studies of the impact of trial court funding over a several-year period in 15 counties.

Other special projects included completing the Eight-Member Civil Jury Experiment, initiating the Trial Court Performance Standards projects, and assisting in the installation of listening devices for the hearing impaired.

Court Profiles

During 1990, development of a new judgeship needs assessment methodology continued. Working with the Advisory Committee on Court Profiles, AOC staff identified several alternative approaches. After the committee selected an approach, staff assisted in further specifying the desired results and parameters of the new methodology. An interim solution also was implemented pending full development of the new methodology.

In 1991, the committee and staff will further develop the new methodology and begin building the mathematical model that will form its core. Staff also will design the data collection schemes needed for the model and initiate the data collection efforts.

Training and Consulting

During 1990, the Training and Consulting (T&C) Unit provided management consulting and training to California courts and staff support to the Judicial Council Advisory Committee on Court Facilities. T&C comprises three related components: training, consulting, and traffic coordination.

Training events coordinated during the year included the 1990 Court Management and Presiding Judges Conference; Management Skills Conferences for mid-level court management personnel in the trial, appellate, and Supreme courts and for members of the Commission on Judicial Performance; and the traffic adjudication workshop for traffic commissioners and juvenile traffic court referees.

Also during 1990, T&C helped develop a concept for a statewide management training institute for court support staff and judicial officers. Tentatively called the California Judicial Administration Institute, it is scheduled to become operational in 1991. The unit also began updating the Basic In-Service Training program, which the AOC has used since 1980 to improve training of court support personnel; updating will be completed in 1991. T&C also began assisting professional associations in furthering training efforts, and developed an audio and videotape training library.

(For more detailed information about these and other training programs, see chapter 10, "Judicial Education.")

T&C's consulting section provides the trial courts with information and advice on modern court management techniques. Emphasis is placed on management consulting with statewide application. Such assistance was provided to courts in the counties of Butte, Humboldt, Kern, Kings, Los Angeles, Mendocino, Orange, Riverside, San Benito, San Francisco, San Luis Obispo, Siskiyou, Tehama, Tuolumne, and Yolo.

In addition, T&C provided support services to the Advisory Committee on Court Facilities. A report on proposed courtroom standards was circulated for statewide comment in December 1990 and a comprehensive report on courthouse standards will be presented to the Judicial Council in May 1991.

The traffic coordination section serves as a liaison for the courts, the AOC, the Department of Motor Vehicles, the Legislature, law enforcement agencies, automobile clubs, and the public in issues affecting traffic courts. Projects in 1990 included revision of bail schedules, review of Notice to Appear forms, trial-by-mail, the Los Angeles Traffic Violator School project, interagency coordination, and the annual traffic coordination conference.

Research and Statistics

Research and Statistics (R&S) is responsible for the collection, analysis, and dissemination of statistical data reported by the state courts to the AOC. The data are collected in accordance with the information needs of the judiciary, the Legislature, and the public.

During 1990, a major activity for R&S was implementing new regulations and reporting forms. This work involved modifying the General Civil Case Reporting Addendum (forms 1C and 1E) for the superior courts, and developing a reporting technique that can monitor the effects of case-processing time standards in municipal and justice courts (form 2C).

Other major R&S efforts included preliminary work on a comprehensive statistical dictionary, the provision of numerous statewide training workshops, and the creation of work committees that utilize the combined expertise of AOC and court personnel to resolve reporting issues. In addition, R&S is working with the Information Systems Unit on an experimental database for the collection and analysis of case-level data.

This group also compiled and analyzed court filings, dispositions, trials, case-processing times, and other aggregate data pertinent to court workload. This information is published in volume II of this report, in the quarterly appellate court reports, in the *Annual Data Reference*, and in other special reports used by government agencies, media, researchers, and the State Bar.

Finally, R&S is heavily involved in developing data collection methodologies that will serve as the foundation of the Court Profiles Project, and will take a lead role in assessing the impact of various delay reduction efforts by the trial courts.

Statewide Office of Family Court Services

This office provides services and coordination in five areas to court-connected family mediation and conciliation courts as mandated by Civil Code sections 5180–5183: training of nonjudicial personnel, uniform statistical reporting, implementation of family laws, evaluations for purposes of informing public policy, and administration of the grant program.

The Research Grant Program added a new grant to the eight currently in progress and saw the completion of the first project it had funded, "An Analysis of California's Child Support Guidelines."

Among the office's 1990 highlights were coordination of three widely attended training institutes, the completion and distribution of a Spanish language video that informs parents about the child custody mediation process, and completion and distribution of the following publications: *1990 Statewide Directory; Profile: Child Custody Mediation and Evaluation Services in California Superior Courts;* and *Computer Utilization Survey in Family Court Services.*

The unit also completed its work on the uniform standards of practice for court-connected mediation following a highly collaborative effort that involved regional task forces, hearings, and reviews. The Judicial Council adopted the standards as Standards of Judicial Administration effective January 1, 1991.

Other key projects completed in 1990 included holding biannual directors meetings, publication of a newsletter, and extensive preparations for 1991 uniform statistical reporting projects.

Administrative Services Division

Information Systems

Following is a summary of the activities of Information Systems groups during 1990.

Records Management

During 1990, this group developed and revised several record disposition schedules for the AOC. It also developed policy and procedure guidelines for the transfer, retrieval, and review of stored records, and it eliminated unnecessary records.

A total of 473,569 pages of Supreme Court case files, 9,536 pages of appellate court minutes, and 228,572 pages of valuable, historical AOC records were microfilmed. Microfilming helped recover needed office space and created easy access through automatic retrieval.

Appellate Court Systems Development Group

During 1990, the CAPIS (California Appellate Court Information System) project formally started with a planning session of the development committee to formalize the project purpose, scope, and objectives. CAPIS addresses the information needs of the staffs of the appellate courts, including justices, administrators, attorneys, clerks, and support staff. In the fourth quarter of 1990, CAPIS performed a functional analysis of the clerks' offices, chambers, appointed counsel, libraries, administrative systems, and public information systems. The committee will prioritize and approve the plan's elements in the first quarter of 1991.

Since September 1989, when the responsibility for STATSCAN hardware and software support was transferred to this unit, staff have been hired and trained to support the trial and justice courts on the STATSCAN/SUSTAIN system. Development of a prototype database to collect and report case-processing time standards from trial courts is currently in progress.

AOC Business Systems Development Group
The accounting system was modified in 1990 to accommodate the centralized payment program for assigned judges, which handles compensation, travel reimbursement, tax withholding, billing and reimbursement of the counties, and contributions to the Judges' Retirement System. The 1099 Miscellaneous Income statements also were automated and sent to the tax boards and vendors, and budget reports were integrated into the system. In addition, the group purchased and modified a software package that will help resolve computer equipment problems throughout the judiciary. It also created a parallel fixed-asset system to track inventories, an office filing system, and a system to follow legislative mandates and other projects.

AOC Legislative Systems Support
Systems enhancements were made to expedite production of the *Sentencing Practices Quarterly* reports. This group also made improvements to the data-capture facility for capital cases, which is used by the Court-Appointed Counsel project. The group produced reports on case complexity and fiscal monitoring, started work on a project to further automate Personnel Unit functions, and produced final reports for the voir dire pilot project.

Budget and Business Services

This office, reorganized in 1990 to reflect the changing administrative needs of the judiciary, provides administrative services in budget, business, and travel-related matters, and in facilities management and meeting planning. It also performs a variety of analytical tasks for the Supreme Court, the Courts of Appeal, other AOC units, and the Commission on Judicial Performance. The office now comprises the Business Services Group, the Budget Group, the Conference Services Group, and the Management Analysis Group.

Budget Group
In 1990, the Budget Group coordinated more closely with units of the AOC and Judicial Council advisory committees and conducted various management reports and studies.

Due to the state's fiscal crisis, the Budget Group was asked to perform an extensive detailed analysis of expenditures and to develop program cost projections. Similarly, in conjunction with the newly formed Management Analysis Group, the group initiated fiscal analysis of legislation in 1990 and will perform pre-legislative analysis of Judicial Council proposals in 1991.

Business Services Group
This group has multiple functions ranging from space planning, facilities management, and contract administration to procurement of office supplies and office equipment. In 1990 a major focus was to secure new quarters for the Second Appellate District in the Ronald Reagan State Building located in Los Angeles. In 1991, the group will manage the relocation of the Supreme Court, the Court of Appeal, First Appellate District, and the AOC to Marathon Plaza in San Francisco.

Conference Services Group
This group provides conference coordination and travel-related services to the Judicial Council, the Courts of Appeal, the AOC (including CJER), the Supreme Court, and the Commission on Judicial Performance. After three years of operation, the group has achieved substantial reductions in travel-related costs and has efficiently arranged for hundreds of meetings and conferences throughout the state.

Management Analysis Group
This group conducts management analysis of key organizational programs. It focuses on analysis of the fiscal impact of legislation and public programs, program evaluation, and the development of program performance measurements. In 1991, the group will assist in analyzing the trial court funding and appointed counsel programs.

Administrative Support

The Administrative Support Unit (ASU) is primarily responsible for providing administrative and clerical assistance to AOC staff members as well as the Supreme Court and Courts of Appeal. Its services include copy-editing and proofreading, typesetting, word processing, data entry, secretarial relief, reception coverage, copying, and internal and external mail delivery.

One of the ASU's major administrative responsibilities is the Judicial Information System. This data program stores detailed information on the appellate and trial courts and judicial officers throughout the state. Reports and directories are generated from the system and distributed statewide to assist individuals and agencies in contacting courts, judges, and other court personnel. Among these documents is the *Judicial Roster*, a directory produced each January that lists every appellate and trial court and the judges and clerks assigned to them.

In 1990, the ASU assisted in the copy-editing, production, and distribution of large-volume projects for other AOC units. These included the *Draft Report on Gender Bias*, the *1991 Annual Report to the Governor and the Legislature*, a variety of presentation materials for AOC workshops, new and revised legal forms, mailings of requests for comment, new and revised Rules of Court, and materials reviewed by the Judicial Council members prior to committee and council meetings.

Personnel Unit

During 1990, the Personnel Unit implemented a performance appraisal program in the AOC to encourage communication between employees and their supervisors regarding mutual expectations. In addition, supervisors in the Supreme Court and the Courts of Appeal were offered training in the use of a performance appraisal process. The Personnel Unit also offered judicial branch employees information regarding benefits available under the employee assistance program and provided training in cardiopulmonary resuscitation and first aid.

A complete classification and compensation study was initiated in 1990. This study, scheduled for completion in 1992, will ensure that judicial branch classification and compensation plans are equitable and devoid of artificial barriers to employment or promotion.

Judicial Assignments

Under the direction of the Chief Justice, this unit is responsible for providing judicial assistance to trial and appellate courts on a daily basis.

Assistance is provided for such reasons as vacancies, illnesses, disqualifications, and calendar congestion. Assignments also are made to provide assistance while new judges attend orientation classes, or to permit newly elevated judges to complete matters they began in another court.

During 1990, the unit received more than 5,000 requests for assigned assistance from presiding judges and justices in California courts. As in previous years, the demand for assigned assistance during 1990 greatly exceeded the number of available judges.

Both active and retired judges are called upon to provide assistance for periods ranging from one day to three months or longer. Many active judges volunteer to assist other courts in their own or neighboring counties when calendars permit. Retired judges who retain their eligibility for assignment are a valuable source of judicial assistance, as are the many justice court judges who assist throughout the state.

The unit also is responsible for the preparation of "blanket" and "reciprocal" assignments as well as superior court appellate department designations.

Blanket and reciprocal assignments provide the courts with more flexibility at the local level. Under these assignments, the Chief Justice delegates authority to the presiding judges of two or more courts to assist each other's courts as needed.

During 1990, 150 blanket assignments, 60 reciprocal assignments, and 58 superior court appellate department designations were issued.

A highlight of the year was the implementation of a new program that certifies the payment of assigned judges. The program is described in chapter 8, "Advances in Court Administration."

Public Information Office

The Public Information Office (PIO) increases public understanding of the state judicial system by maintaining active communications with state and local news media and by producing and distributing publications for the courts and the public.

As the press office for both the Supreme Court and the Judicial Council, the PIO issues almost 150 news releases a year to more than 250 media outlets; responds to hundreds of public and press inquiries; and coordinates press conferences and briefings.

During 1990, the PIO produced a brochure outlining key Judicial Council concerns and programs, entitled *California Judicial System: 1990 Report of the Chief Justice*. It was distributed to the state Legislature following the Chief Justice's State of the Judiciary Address to the Legislature in February.

Also during 1990, an information kit describing the goals and projects of the Judicial Council was distributed to participants of the State Bar's Annual Meeting and others interested in council activities.

The *AOC Newsletter*, a bimonthly publication for the courts, was redesigned and upgraded under the name *Court News*. A series of articles on California's volunteer delay reduction courts was published, as were many other articles on state court administration.

The *Judicial Council Annual Report to the Governor and the Legislature* continues to report on council activities and court statistics. Each year the content and format of the *Annual Report* are improved to better meet the needs of the California judiciary and Legislature.

For the second year, court statistics were published several months ahead of the *Annual Report* schedule in the *Annual Data Reference*, a companion publication to the *Annual Report*. It contains information on filings, dispositions, cases awaiting trial, and the number of judicial positions per court.

The *Annual Report*, *Annual Data Reference*, and *Court News* are distributed to more than 3,000 judges, court and government officials, and others interested in court administration.

AOC staff are kept informed of current events through news clippings that are distributed daily, and through a bimonthly employee newsletter.

Other public education projects are planned to keep the public and the press informed of key issues affecting the state judicial system.

Employee Utilization

The table on the next page reflects a breakdown of full-time employees in the California judicial branch (Supreme Court, Courts of Appeal, Administrative Office of the Courts, and the Commission on Judicial Performance) by the Equal Employment Opportunity Commission's job and ethnic categories, and by sex, as of November 1, 1990. Constitutional officers and their staffs are excluded from reporting employee composition information and thus have not been included in this study.

Each column of the table reflects the appropriate parity figure, the actual percent of judicial branch employee utilization, and the corresponding number of employees. Totals are listed in the first column and at the top of the table.

Parity figures are for the state of California and have been included for comparative purposes. They are based on 1980 census information provided by the Census Data Center of the Department of Finance. (Figures from the 1990 Census are unavailable at this time.) All information provided in this breakdown is consistent with the basic format used by other state agencies reporting on employee composition. The only exception is the inclusion of specific parity comparisons by job category and the examination of attorneys as a job category separate from other professional staff.

CALIFORNIA JUDICIAL BRANCH EMPLOYEE UTILIZATION[1]

EEO Job Category	TOTAL, all ethnicities			WHITE, not Hispanic			BLACK, not Hispanic			AMERICAN INDIAN not Hispanic			ASIAN/PAC ISLANDER not Hispanic			OTHER, not Hispanic			HISPANIC, all races		
	SMSA PARITY[2]	%	#	SMSA PARITY	%	#	SMSA PARITY	%	#	SMSA PARITY	%	#	SMSA PARITY	%	#	SMSA PARITY	%	#	SMSA PARITY	%	#
Total Employees																					
Females	42.0	65.6	368	29.7	43.1	242	3.2	7.7	43	0.3	0.2	1	2.6	10.7	60	0.1	0.0	0	6.8	3.9	22
Males	58.0	34.4	193	40.0	26.2	147	3.4	2.9	16	0.4	0.0	0	2.9	3.0	17	0.1	0.0	0	10.4	2.3	13
Total			**561**	**69.7**	**69.3**	**389**	**6.6**	**10.5**	**59**	**0.7**	**0.2**	**1**	**5.5**	**13.7**	**77**	**0.2**	**0.0**	**0**	**17.2**	**6.2**	**35**
Officials and Managers																					
Females	34.4	28.6	8	27.6	28.6	8	1.9	0.0	0	0.2	0.0	0	1.8	0.0	0	0.1	0.0	0	4.9	0.0	0
Males	65.6	71.4	20	54.7	64.3	18	2.3	3.6	1	0.3	0.0	0	3.3	3.6	1	0.1	0.0	0	2.7	0.0	0
Total			**28**	**82.3**	**92.9**	**26**	**4.2**	**3.6**	**1**	**0.6**	**0.0**	**0**	**5.1**	**3.6**	**1**	**0.2**	**0.0**	**0**	**7.6**	**0.0**	**0**
Attorneys																					
Females	17.0	55.7	78	14.4	50.7	71	0.9	2.1	3	0.1	0.0	0	0.7	2.9	4	0.0	0.0	0	0.8	0.0	0
Males	83.0	44.3	62	76.7	42.9	60	1.8	0.7	1	0.3	0.0	0	1.3	0.0	0	0.2	0.0	0	2.8	0.7	1
Total			**140**	**91.1**	**93.6**	**131**	**2.8**	**2.9**	**4**	**0.4**	**0.0**	**0**	**2.0**	**2.9**	**4**	**0.2**	**0.0**	**0**	**3.6**	**0.7**	**1**
Other Professionals																					
Females	45.3	69.9	65	36.1	44.1	41	2.9	6.5	6	0.3	0.0	0	2.7	11.8	11	0.1	0.0	0	3.2	7.5	7
Males	54.7	30.1	28	44.9	21.5	20	2.1	1.1	1	0.3	0.0	0	3.8	5.4	5	0.1	0.0	0	3.4	2.2	2
Total			**93**	**81.0**	**65.6**	**61**	**5.0**	**7.5**	**7**	**0.5**	**0.0**	**0**	**6.6**	**17.2**	**16**	**0.2**	**0.0**	**0**	**6.6**	**9.7**	**9**
Technicians																					
Females	38.4	48.0	12	27.1	28.0	7	3.6	4.0	1	0.3	0.0	0	3.8	8.0	2	0.1	0.0	0	3.5	8.0	2
Males	61.6	52.0	13	47.1	28.0	7	3.0	12.0	3	0.4	0.0	0	5.7	8.0	2	0.1	0.0	0	5.3	4.0	1
Total			**25**	**74.2**	**56.0**	**14**	**6.5**	**16.0**	**4**	**0.7**	**0.0**	**0**	**9.5**	**16.0**	**4**	**0.2**	**0.0**	**0**	**8.8**	**12.0**	**3**
Paraprofessionals																					
Females	38.4	72.7	24	27.1	54.5	18	3.6	6.1	2	0.3	0.0	0	3.8	9.1	3	0.1	0.0	0	3.5	3.0	1
Males	61.6	27.3	9	47.1	18.2	6	3.0	0.0	0	0.4	0.0	0	5.7	3.0	1	0.1	0.0	0	5.3	6.1	2
Total			**33**	**74.2**	**72.7**	**24**	**6.5**	**6.1**	**2**	**0.7**	**0.0**	**0**	**9.5**	**12.1**	**4**	**0.2**	**0.0**	**0**	**8.8**	**9.1**	**3**
Office and Clerical																					
Females	77.2	77.9	176	56.1	42.0	95	6.4	12.8	29	0.6	0.4	1	4.3	17.3	39	0.2	0.0	0	9.7	5.3	12
Males	22.8	22.1	50	15.0	13.7	31	2.3	2.2	5	0.2	0.0	0	1.7	3.5	8	0.1	0.0	0	3.5	2.7	6
Total			**226**	**71.0**	**55.8**	**126**	**8.7**	**15.0**	**34**	**0.7**	**0.4**	**1**	**6.1**	**20.8**	**47**	**0.2**	**0.0**	**0**	**13.3**	**8.0**	**18**
Skilled Craft Workers																					
Females	10.0	66.7	2	5.6	33.3	1	0.7	0.0	0	0.1	0.0	0	1.0	33.3	1	0.0	0.0	0	2.6	0.0	0
Males	90.0	33.3	1	65.1	33.3	1	4.2	0.0	0	0.8	0.0	0	3.0	0.0	0	0.2	0.0	0	16.7	0.0	0
Total			**3**	**70.7**	**66.7**	**2**	**4.9**	**0.0**	**0**	**0.9**	**0.0**	**0**	**4.0**	**33.3**	**1**	**0.2**	**0.0**	**0**	**19.3**	**0.0**	**0**
Protective Services																					
Females	11.5	0.0	0	8.0	0.0	0	1.7	0.0	0	0.2	0.0	0	0.3	0.0	0	0.0	0.0	0	1.3	0.0	0
Males	88.5	100.0	4	67.7	50.0	2	8.8	25.0	1	0.9	0.0	0	2.0	0.0	0	0.0	0.0	0	9.0	25.0	1
Total			**4**	**75.7**	**50.0**	**2**	**10.5**	**25.0**	**1**	**1.0**	**0.0**	**0**	**2.3**	**0.0**	**0**	**0.2**	**0.0**	**0**	**10.3**	**25.0**	**1**
Service and Maintenance																					
Females	58.5	33.3	3	38.8	11.1	1	5.5	22.2	2	0.6	0.0	0	3.1	0.0	0	0.1	0.0	0	10.4	0.0	0
Males	41.5	66.7	6	22.2	22.2	2	4.3	44.4	4	0.3	0.0	0	3.2	0.0	0	0.1	0.0	0	11.3	0.0	0
Total			**9**	**61.0**	**33.3**	**3**	**9.7**	**66.7**	**6**	**0.9**	**0.0**	**0**	**6.3**	**0.0**	**0**	**0.3**	**0.0**	**0**	**21.7**	**0.0**	**0**

[1] Employee utilization as of 11/1/90 by ethnicity and sex for the California Judicial Branch (Supreme Court, Courts of Appeal, Administrative Office of the Courts, and the Commission on Judicial Performance), excluding justices' staffs.

[2] Standard Metropolitan Statistical Area: California.

Source: California Census Data Center, Department of Finance (1980 Census information).

CHAPTER 4

PROGRESS IN DELAY REDUCTION

December 31, 1990, marked the end of a three-year statutory experiment that tested innovative methods for reducing civil case-processing delay in nine mandated and ten volunteer superior courts in California.

The pilot courts each adopted local civil case management rules in consultation with the bar to supervise and control the movement of all cases assigned to the program from filing to disposition (see chart 1). Local rules established time frames for completing critical steps in the litigation process.

Under the Trial Court Delay Reduction Act of 1986, the Judicial Council will report to the Legislature by July 1, 1991, on the results of the pilot programs and will recommend methods for applying delay reduction to all state trial courts.

The results of this experiment in active court management are very encouraging. Pilot courts have decreased the ages of program cases from filing to disposition, and have moved closer to attaining the case-processing time standards adopted by the Judicial Council.

Most significantly, California courts have come to accept two fundamental delay reduction premises: each court is responsible for the progress of the cases entrusted to it, and court monitoring of cases must begin at filing.

Pilot Program Successes

Analyses of each of the nine mandated pilot programs and ten volunteer programs are being prepared by the National Center for State Courts and the Administrative Office of the Courts (AOC) for the final report to the Legislature.

These comprehensive reports on each court (numerous differences among programs call for separate reports) include both qualitative and quantitative information.

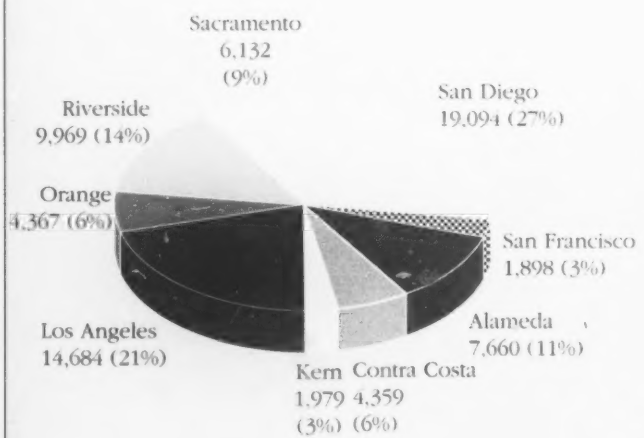
Overall, the total number of general civil cases subjected to delay reduction techniques has grown by 2 percent since fiscal year 1988–89, when a total of 68,172 delay reduction cases were filed. Program cases in the mandated pilot courts at year-end 1990 constituted 31 percent of the state's civil cases, as shown in chart 1.

While this increase is largely due to a rise in general civil filings of the pilot courts, Orange County's decision to add 25 percent more "other civil" filings to its program also contributed.

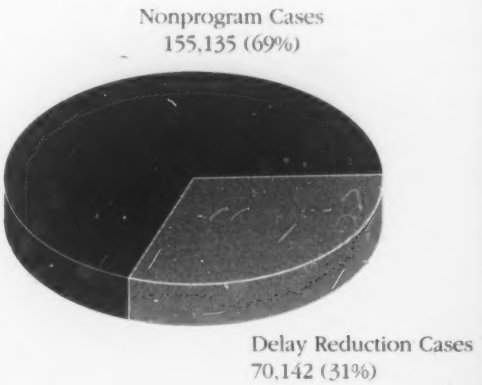
The counties of Alameda, Contra Costa, Kern, Riverside, and San Francisco show increases in civil program cases filed. The remaining pilot counties experienced slight decreases in their program filings.

Chart 1

Total Cases Added to Pilot Delay Reduction Program Fiscal Year 1989–90*



Pilot Delay Reduction Cases As a Percent of Total State General Civil Filings Fiscal Year 1989–90



Statewide General Civil Cases (225,277)

* These figures are estimates based on general civil cases filed in each court multiplied by the proportion of those cases assigned by the court to the program.

Table 1

How Many Years Was It Taking to Process General Civil Cases From Filing to Disposition?[a]

Figures for 1986 and 1987 (except San Diego) are for all general civil case dispositions; figures for 1988, 1989, and the first six months of 1990 (and 1987 in San Diego) are for those cases defined in the table headings below.

Court name	*Percent of all filings*[c]	*Year*	*Percentiles*[d] *50th*	*90th*
SECTION A — Case Type(s) Included: "General Civil"[b] Complaints, Preprogram Cases Included				
Los Angeles		1986[e]	1.9 years	4.7 years
		1987[e]	3.1	4.5
	50%	1988[f]	2.5	3.8
	50%	1989[f]	1.8	4.2
		Jan–Jun 1990[f]	1.3	3.7
SECTION B — Case Type(s) Included: "General Civil"[b] Complaints, Preprogram Cases Excluded[i]				
Alameda		1986[e]	1.3 years	3.4 years
		1987[e]	1.3	3.8
	100%	1988[e]	1.3	3.8
	100%	1989[e]	1.3	3.8
		Jan–Jun 1990[e]	1.0	1.8
Contra Costa		1986[e]	1.3 years	3.0 years
		1987[e]	1.0	3.4
	100%	1988[e]	0.3	0.7
	100%	1989[e]	0.8	1.3
		Jan–Jun 1990[e]	0.8	1.6
Kern		1986[e]	1.0 years	2.8 years
		1987[e]	1.5	3.8
	100%	1988[e]	0.4	0.7
	100%	1989[e]	0.7	1.4
		Jan–Jun 1990[e]	1.0	1.9
Riverside		1986[e]	2.0 years	4.9 years
		1987[e]	1.5	4.1
	100%	1988	x	x
	100%	1989[e]	0.5	1.1
		Jan–Jun 1990	x	x
Sacramento		1986[g]	1.2 years	3.7 years
		1987[g]	1.3	3.7
	100%	1988[f]	0.4	0.8
	100%	1989[f]	0.7	1.2
		Jan–Jun 1990[f]	0.8	1.5
San Diego		1986[g]	1.2 years	3.2 years
		1987[f]	0.3	0.7
	100%	1988[f]	0.8	1.4
	100%	1989[f]	1.0	2.2
		Jan–Jun 1990[f]	1.1	2.3
San Francisco		1986[e]	1.1 years	3.3 years
		1987[e]	1.5	3.2
	25%	1988[e]	0.5	2.1
	18%	1989[e]	0.7	1.1
		Jan–Jun 1990[e]	0.6	1.4

Table 1 *(continued)*

How Many Years Was It Taking to Process General Civil Cases From Filing to Disposition?[a]

Court name	*Percent of all filings*[c]	*Year*	*Percentiles*[d] 50th	90th
SECTION C — Case Type(s) Included: "Other Civil"[h] Complaints, Preprogram Cases Included				
Orange		1986[g]	0.9 years	3.0 years
		1987[g]	1.1	3.3
	25%	1988[f]	0.4	2.0
	50%	1989[f]	0.8	3.1
		Jan–Jun 1990[f]	1.0	1.6

a This table shows the ages of disposed cases for the 50th and the 90th percentiles for each of the nine pilot delay reduction courts. They have been separated according to types of case filed in their programs and whether they include or exclude cases filed before the programs began. The type of case, i.e., its level of complexity, and ages of preprogram cases impact the results in these tables. Percentiles are explained in footnote "d" below.

b The General Civil case category includes personal injury, wrongful death and property damage cases, eminent domain, and "Other Civil" cases described in footnote "h" below. It does not include probate, guardianship, conservatorship, family law, juvenile, or "Other Civil" petitions. Kern does not include some breach of contract or declaratory relief. Riverside does not include eminent domain cases.

c This is the percentage of all civil filings that the court assigns to the program. Except in San Francisco, where the assignment formula was adjusted to allow for vacation time, the percentage directly relates to the number of civil program judges from the total number of civil judges on the court's bench.

d Percentiles categorize the ages of cases disposed in terms of percentages. For example, 50% of the cases disposed of in Kern in 1986 were less than nine months (0.9 yr.) at the time of disposition, 98% of the cases were two years and four months old at the time of disposition, and only 2% were older. The case-processing time standards adopted by the Judicial Council for this experiment, effective for all superior courts July 1, 1991, dispose of 90% of the cases within one year after filing, 98% within 18 months, and 100% within two years.

e Data provided by the National Center for State Courts, Western Regional Office. The data are based on approximately 500 case samples of all dispositions for the year, except for Kern, where all cases filed (or total population) were examined. This information was gathered from each court's computerized registers of action.

f Data provided by the Administrative Office of the Courts, STATSCAN Civil Case Status Reports.

g Data provided by the National Center for State Courts, Western Regional Office. The data are based on approximately 500 case samples of all dispositions for the year. This information was gathered from actual case files, as opposed to the registers of action or computer files.

h The "Other Civil" case category includes contract, real estate, and other business cases.

i Some courts may have included preprogram cases, but these do not represent a majority of older cases.

x Data not yet available.

Chart 1 depicts the variation in size of ea[illegible] court's programs based on the number of cases filed.

All pilot courts have made some progress toward achieving the case-processing time standards adopted by the Judicial Council. Table 1 illustrates the length of time from filing to disposition for cases disposed in each of five years for the mandated pilot courts. Since the courts differ in size as well as in types of cases included in the program, it is necessary to carefully note differences in case types when interpreting this table's data.

For example, five of the seven courts in table 1, section B, show dramatic decreases in the ages of cases between the baseline years of 1986 and 1987 and the start of the program in 1988. These decreases are attributable to the fact that only newly filed cases were subject to the program when it first began in many courts.

On the other hand, the results in Los Angeles are much less dramatic, in part because this court included cases pending at the start of the program and did not focus exclusively on new filings. In fact, while the ages of cases in the 90th percentile increased from 1988 to 1989, the median age of disposed cases dropped during the same time period.

These figures reflect closer monitoring of new cases at the early stages of the proceedings combined with an effort to address the older, preprogram cases at the later stages of the proceedings.

In table 1, section B, Alameda and Kern Counties do not show the same dramatic decrease in ages of disposed cases as do their counterparts; Alameda's data remained constant as old cases were included in the program.

In Kern County, decreases occur between the baseline and the first year of the program, which is to be expected because the figure for 1988 does not include older, preprogram cases. In the 90th percentile, the ages of cases creep upwards for two reasons. First, few program cases were brought to trial because of the glut of criminal cases. Second, the court focused on trying "old" cases, which are not included in the figures for 1988, 1989, and 1990 because they are not program cases.

Update on Volunteer Courts

An estimated 15,540 cases were added to the delay reduction pool by the 10 volunteer pilot courts in 1990, increasing the percent of statewide civil filings subject to delay reduction to 38 percent. The names of the volunteer courts can be found in table 2.

In April 1990, Tehama County Superior Court joined the list of courts that voluntarily implemented a civil delay reduction program. It is the smallest court to implement a delay reduction program and the first and only court to implement the uniform delay reduction rules adopted by the Judicial Council under the Trial Court Delay Reduction Act of 1986 (Gov. Code, § 68619(b)).

To date, eight of the ten volunteer pilot courts have operated programs for at least one-and-a-half years. Three courts have operated programs for more than two years. All are committed to improving case management. However, the level of monitoring required in larger, urban courts to reduce delay is not necessarily required in smaller courts.

The AOC is observing the experiences of the volunteer pilot courts and will include information in the Judicial Council's final report to the Legislature. The initiative of the volunteer pilot courts deserves to be recognized.

Their experience will benefit nonprogram courts, most of which are smaller than the mandated pilot courts. The volunteer pilot court programs also serve as guideposts for all superior courts required to implement programs in 1992 under the revised Trial Court Delay Reduction Act.

Monthly statistics for all superior courts are being collected to monitor pending caseloads and the ages of pending and disposed cases. The data are published in volume II of the *Judicial Council Annual Report*.

Mandatory and volunteer courts: dispositions exceed filings

The Standards of Judicial Administration adopted by the Judicial Council recommended that courts dispose of 25 percent more cases than were filed between July 1, 1987, and December 31, 1988. The objective was to encourage the courts to address existing backlog and to purge existing inventories of inactive cases.

Table 2 indicates that more than half of all mandated and volunteer pilot courts combined continue to dispose of more cases than are filed, even though the period recommended in the standard has expired. By doing so, they demonstrate a commitment to bringing the court up-to-date and to maintaining only current, active case inventories.

Municipal and Justice Court Time Standards

Beginning January 1, 1991, California municipal and justice courts will implement the civil and criminal case-processing time standards adopted by the Judicial Council during 1989. At the time the standards were adopted, four municipal courts already had voluntarily established delay reduction programs. These were the Los Angeles Municipal Court, Orange County Harbor Municipal Court, and Santa Cruz County Municipal Court for criminal cases, and San Luis Obispo County Municipal Court for both criminal and civil cases.

Since then, a number of courts have begun to develop delay reduction programs. Among the courts that voluntarily have adopted the case-processing time standards and have incorporated the standards into their local rules of court are Northern Solano Municipal Court, San Mateo Municipal Court, and Santa Clara Municipal Court.

To provide municipal and justice courts with information about developing delay reduction programs, the Administrative Office of the Courts in 1990 organized statewide training meetings, one designed especially for courts with one to three judges. The agency also held workshops around the state that focused on such topics as case handling, data collection, and how to complete new Judicial Council reporting forms regarding the ages of disposed and pending cases.

Statewide Bench-Bar Consortium

The Statewide Delay Reduction Bench-Bar Consortium is designed to facilitate communication between the bench and the bar about delay reduction. It serves as a forum to raise issues and concerns, exchange information, and keep participants informed about each other's programs. Two consortium meetings were held each year of the three-year pilot period.

The consortium is made up of judges from mandated, volunteer, and other courts interested in delay reduction. The State Bar of California selects approximately 27 attorney members representative of both the public and private bars practicing in nine State Bar–established districts. Court administrators, county clerks, and other court personnel as well as legislators and members of the public also participate.

Table 2

General Civil Case Disposition-to-Filing Ratios - Fiscal Year 1989–90

	Dispositions	*Filings*	*Disposition-to-filing ratio FY 1989–90*	*Disposition-to-filing ratio FY 1988–89*
Alameda*	6,560	7,660	.86	.90
Contra Costa*	**6,829**	**4,359**	**1.57**	**1.53**
Fresno**	4,619	6,650	.69	.65
Humboldt**	**784**	**438**	**1.79**	**1.18**
Kern*	**2,457**	**1,979**	**1.24**	.90
Lake**	**443**	**225**	**1.97**	**1.64**
Los Angeles*	**105,141**	**80,014**	**1.31**	**1.17**
Mendocino**	**1,097**	**1,001**	**1.10**	.28
Napa**	**1,222**	**852**	**1.43**	**1.00**
Orange*	20,621	24,530	.84	.81
Riverside*	7,516	9,969	.75	.76
Sacramento*	**9,568**	**6,132**	**1.56**	**1.36**
San Diego*	18,640	19,094	.98	**1.05**
San Francisco*	5,861	7,592	.77	**1.29**
San Joaquin**	**2,208**	**1,937**	**1.14**	.76
Santa Barbara**	**2,312**	**1,717**	**1.35**	**1.82**
Sonoma**	2,063	2,104	.98	.86
Tehama**	157	251	.63	**1.13**
Yolo**	**532**	**529**	**1.01**	**1.06**
Mandatory Court Total	**183,193**	**161,329**	**1.14**	**1.09**
Volunteer Court Total	15,437	15,704	.98	.88
Statewide Total	**238,259**	**225,277**	**1.06**	**1.04**

Note: Boldface data for a particular court highlights effective disposition activity that in many cases is a result of a purge program.

* Trial Court Delay Reduction — Mandated Pilot Courts.

** Trial Court Delay Reduction — Volunteer Courts.

Source: Monthly Judicial Council Statistical Reports

Firm trial dates

In March 1990, the consortium focused on one of the most essential components of a successful delay reduction program: firm trial dates. Firm trial dates induce settlement, thereby clearing trial calendars for cases that must be tried. When trial dates are firm, attorneys prepare their cases only once. If trial dates are not firm, attorneys must wait for available courtrooms and repeatedly prepare for trial, with each continuance resulting in higher costs to litigants.

Ways to achieve firm trial dates in a manner that minimizes the negative impact on the practice of law was one of the primary topics of discussion among consortium members at the March meeting. After three pilot courts that have had some success in achieving firm trial dates presented their methods, groups of attorneys, judges, and court personnel explored the advantages and disadvantages of each method, the impact each had on work procedures, and ways of

Statewide Delay Reduction Consortium Statement

I. Fundamental principles

A. Judicial involvement and control

Consensus: Judicial involvement and control are necessary in case management.

B. Intervention

Consensus: The court should intervene, at a minimum, when exceptions from time standards are requested and when parties fail to comply with the program.

C. Monitoring

Consensus: A reliable monitoring system is needed to accurately evaluate case progress.

D. Control

Consensus: Larger courts require more formal structures to maintain control, but smaller courts tend to be more informal.

E. Firm Trial Dates

Consensus: Firm trial dates are essential to successful delay reduction.

II. Delay reduction procedures, practices, and events

A. Case assignment system

Consensus: Not all cases are created equal. The assignment of cases to different case-processing tracks should be linked to case characteristics (i.e., differential case management), but the system should be a local option.

B. Calendar system

Consensus: The type of calendar system should be a local option.

C. Program rules

Consensus: Statewide uniform rules should be established to serve as guidelines for general case events. The rules should allow local discretion as to how to effectuate them.

D. Criminal cases

Consensus: The criminal calendar needs to be managed because (1) the parties have greater control of criminal cases, and (2) criminal cases affect the court's ability to process civil cases.

E. Status conferences

Consensus: The need for status conferences should be tied to case type because some cases do not benefit from them, rendering the appearance unnecessary. Status conferences should be set early in the process for cases that require them so that case schedules can be identified as early as possible.

F. Arbitration

Consensus: Arbitration can be a tool in delay reduction if the process is court-monitored and if future dates (i.e., settlement and trial dates) are set before the case goes through the process. Referral to arbitration should occur before 210 days after the complaint is filed.

G. Discovery

Consensus: Discovery needs to be tailored to case classification and coordinated with case management.

H. Settlement conferences

Consensus: Judges feel that mandatory settlement conferences should not be required at a particular point, rather that settlement discussions should occur when there is the most opportunity for them. Attorneys feel that settlement conferences should be mandatory and that they should be given the opportunity to discuss settlement with judicial involvement within the first six months. Some judges are beginning to question the need for settlement conferences involving judges.

I. At-issue memoranda

Consensus: The use of at-issue memoranda should be eliminated in favor of discussing trial readiness at the first status conference and monitoring thereafter.

J. Trial-setting conferences

Consensus: The use of trial-setting conferences should be eliminated in favor of setting earlier case-management conferences at which the trial date is set with consideration of case progress schedules.

K. Preprogram cases

Consensus: Cases filed before the start of the pilot court programs are no longer a problem for most of those courts. They are a problem in the volunteer courts and will be a problem for courts without programs if measures are not taken to move these cases effectively to disposition.

L. Sanctions

Consensus: The use of sanctions is essential.

III. Administration Training

Consensus: Initial and continuing training of judicial and nonjudicial staff and the legal community is essential to the success of delay reduction.

minimizing negative impact. The findings included agreement between the courts and attorneys that firm trial dates are essential and that without them, delay reduction efforts fail.

In addition, judges and attorneys agreed that insufficient judicial and courtroom resources impede courts' ability to provide firm trial dates. Attorneys favored more pretrial activity that fosters settlement and individual calendars for scheduling of cases.

Statewide consortium consensus statement

The last consortium meeting of the three-year pilot period, held in October 1990, was structured to develop a statewide consensus on the most effective methods for reducing delay, based on current experience. Points of agreement and disagreement are important to note when reporting findings to the Legislature and for the benefit of courts that have yet to begin judicial monitoring and control of their caseloads. The consensus is summarized in 18 categories: 5 regarding general delay reduction principles; 12 dealing with specific practices, procedures, and events; and 1 in the area of administration.

To achieve this consensus, attorneys, judges, and court personnel from the nine mandated courts, seven volunteer pilot courts, four interested superior courts, and one municipal court convened to discuss more than 40 essential delay reduction elements that were developed from program descriptions submitted by courts. A consensus statement reached by this group appears in this chapter.

Trial Court Delay Reduction Act Revised, Rules Amended

The Judicial Council sought to extend the Trial Court Delay Reduction Act of 1986 to permit the nine mandated and ten volunteer pilot courts to operate experimental local programs without interruption pending submission to the Legislature by July 1, 1991, of the council report with recommendations for statewide application of delay reduction principles.

However, a revised act was negotiated with the Legislature, effective January 1, 1991, called the Trial Court Delay Reduction Act (see Stats. 1990, ch. 1232; Gov. Code, §§ 68600 et seq.). This law repealed authority to adopt local program rules inconsistent with statute or with the California Rules of Court. It also established new minimum statutory case-processing time frames for completing critical steps in the litigation process. A flow chart illustrating case progression under the new act is provided in table 3.

The new act applies to all delay reduction program cases filed after January 1, 1991. All superior courts must adopt a program by July 1, 1992.

Six rules were amended to assist courts operating delay reduction programs after January 1, 1991. The rule changes permit disposition of a case within the case-processing time standards adopted by the Judicial Council (Cal. Standards Jud. Admin., §§ 2 and 2.1) and within the new statutory case-processing time frames. The rule changes affect the way cases are placed on the civil active list, including placement when the court deems a case to be at issue or when the court requires filing of a joint or single-party at-issue memorandum. The provision that a case may be deemed at issue after a cross-complaint has been on file for six months or more was deleted. (See Cal. Rules of Court, rules 209(a), 210, 220(a), and 1607(c).)

Rule 1601(a) specifies a cutoff date for filing a stipulation to arbitrate, and rule 1605(b) and (c) permits the arbitration administrator to certify a case to the court after the first failure to arbitrate.

Statistical reporting: disposition defined

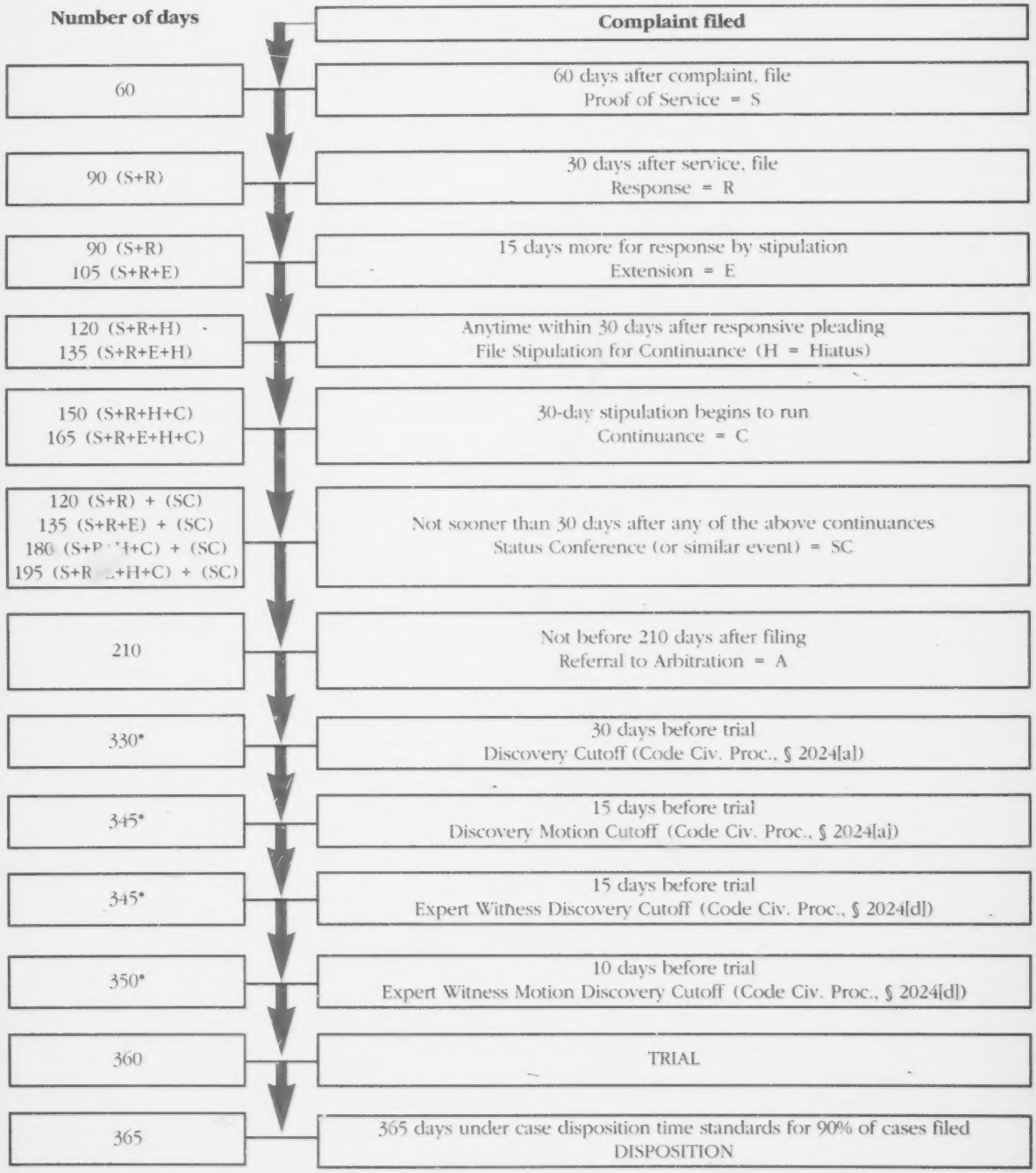
The *Regulations on Superior Court Reports* were expanded to include definitions for "termination" of a civil and a criminal case for statistical reporting purposes. Also included was a chart that identifies the last judicial or administrative act necessary to render a case disposed or terminated for statistical reporting purposes.

The act requires all superior courts to report the ages of cases from filing (general civil) or arrest and first appearance (felony criminal) to disposition. Defining case "termination" is intended to promote uniform reporting of the ages of disposed cases.

Table 3

Trial Court Delay Reduction Program Time Limits Flow Chart

Assem. Bill No. 3820 — Gov. Code, § 68616


Number of days
Complaint filed
60
60 days after complaint, file
Proof of Service = S
90 (S+R)
30 days after service, file
Response = R
90 (S+R)
105 (S+R+E)
15 days more for response by stipulation
Extension = E
120 (S+R+H)
135 (S+R+E+H)
Anytime within 30 days after responsive pleading
File Stipulation for Continuance (H = Hiatus)
150 (S+R+H+C)
165 (S+R+E+H+C)
30-day stipulation begins to run
Continuance = C
120 (S+R) + (SC)
135 (S+R+E) + (SC)
180 (S+R+H+C) + (SC)
195 (S+R+E+H+C) + (SC)
Not sooner than 30 days after any of the above continuances
Status Conference (or similar event) = SC
210
Not before 210 days after filing
Referral to Arbitration = A
330*
30 days before trial
Discovery Cutoff (Code Civ. Proc., § 2024[a])
345*
15 days before trial
Discovery Motion Cutoff (Code Civ. Proc., § 2024[a])
345*
15 days before trial
Expert Witness Discovery Cutoff (Code Civ. Proc., § 2024[d])
350*
10 days before trial
Expert Witness Motion Discovery Cutoff (Code Civ. Proc., § 2024[d])
360
TRIAL
365
365 days under case disposition time standards for 90% of cases filed
DISPOSITION

* Based on trial date at 360 days after filing. Code Civ. Proc., § 2024(f) parties may informally agree in writing to extend these times, but extension cannot continue or postpone the trial date.

Progress in Criminal Delay Reduction

Delay reduction efforts are not confined to the civil arena. In January 1990, the Chief Justice established the Advisory Committee on Criminal Delay Reduction to examine the state's criminal justice system and to recommend rules, standards, and legislation pertaining to delay reduction.

The committee proposed rules and standards of judicial administration contingent on the passage of Proposition 115, the Crime Victims Justice Reform Act. The rules and standards were adopted by the council in May and became operative June 6, the same day that Proposition 115 took effect. Mostly, the new rules conformed to or augmented the jury selection provisions of the initiative, providing for a voir dire conference, supplemental examination of prospective jurors, and written questions to be propounded by the court. The new standards recommended uninterrupted jury selection, factors to determine counsel participation in voir dire, and judicial education on the subject.

Three months later, a survey of judges representing 14 trial courts helped the committee assess how implementation of Proposition 115 was proceeding in the courts. The survey showed that most judges were taking a prudent approach to implementing the initiative, pending a definitive statement from the California Supreme Court. It also indicated that the majority were using the voir dire procedures set forth in the initiative, which were reducing jury selection time, in many cases from one or more days to one-and-a-half to two hours.

Court management of the drug crisis

If drug-related filings continue to increase at the pace of the last decade, courts will not be able to cope without significant new judicial resources. However, California courts have been able to manage the existing caseload of drug cases by applying delay reduction techniques to achieve early resolutions.

Consequently, the advisory committee examined a variety of case management strategies. For example, it reviewed 16 types of programs developed by California courts to manage drug cases. Among them: direct calendaring, superior court review procedures, a "drug court" that operates as a violation or resolution court for drug charges, and the interchanging of the roles of superior and municipal court judges.

"No jail time" cases

The advisory committee also considered whether judges should be allowed to declare that certain misdemeanor cases will not need to result in jail time, and thereby do not require appointed counsel or a jury trial.

The committee noted, however, that the state Constitution affords defendants the right to counsel in all criminal cases, and Penal Code section 987(a) gives the right to assistance of counsel. As a result, the committee agreed that another method must be found to resolve cases in which a defendant will not be sentenced. This would require legislation giving the district attorney discretion to charge certain offenses as infractions rather than as misdemeanors, thus obviating the need for a jury trial or appointed counsel. In particular, the committee concluded that such treatment of violations of Vehicle Code section 14601.1 (driving when the privilege is revoked or suspended) would enable the courts to concentrate on other offenses likely to involve jail time if they result in a plea or conviction.

The advisory committee suggested considering other offenses in which the prosecutor might also have discretion when jail time is not likely to be involved. One such offense is driving without a license, codified in Vehicle Code section 12500.

Adopted recommendations

At its November meeting, the Judicial Council adopted the following recommendations made by the advisory committee:

- ☐ Direct the Secretary of the Judicial Council to write to the presiding judge of each trial court to request that:
  - ☐ judges be encouraged to obtain judicial education and training in voir dire through CJER, bench-bar programs, and other appropriate sources;
  - ☐ the court review programs and systems currently in operation for the early resolution of criminal cases, and develop its own program and systems for processing criminal cases in an efficient manner with due process and fairness to all parties; and
  - ☐ judges be encouraged to take a leadership role in community education efforts concerning the drug abuse problem

- ☐ Direct staff to review Penal Code sections 904.5 through 904.9 and propose consistent statutory procedures for impaneling a second grand jury in any county
- ☐ Direct staff to draft appropriate standards of judicial administration for the nomination and selection of grand jurors in light of the varied tasks grand jurors may face under Proposition 115
- ☐ Direct staff to maintain useful statistics on the processing of criminal cases, which may include criminal filings categorized by case and defendant; defendant population surveys; records of the time elapsed from arrest, adjudication, and sentencing; number of jury trials; and the ages of pending cases
- ☐ Direct staff to study the utility of maintaining statistics on filings for drug offenses and other specific felonies
- ☐ Include resolutions of probation violations in Judicial Council records of felony filings and resolutions
- ☐ Seek legislation to amend Penal Code section 19.8 to include violations of Vehicle Code section 12500 (driving without a license) to give prosecutors discretion to charge violations of that section as infractions and consider like treatment for violations of Vehicle Code section 14601.1 (driving when the privilege is revoked or suspended) and for other misdemeanors that are not likely to result in jail time
- ☐ Amend rule 227.10, effective January 1, 1991, to facilitate criminal case resolution before preliminary hearings and at all other stages of the proceedings and to encourage cooperation among the court, the district attorney, and the public defender at all stages

Advisory Committee on Criminal Delay Reduction

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CHAPTER 5

TRIAL COURT FUNDING

Following a 20-year effort by the Judicial Council, historic legislation enacted in 1988 provided partial state funding of the trial courts, with block grants and appropriations to each county based on total judicial positions. During 1989–90, the first full fiscal year of funding under the new legislation, the state provided $537 million, or 44 percent of total trial court costs. With California's growing fiscal problems, however, that amount was reduced to 38 percent in fiscal year 1990–91.

The budget impact of the reductions will be felt: During fiscal year 1990–91, estimated total trial court costs will increase about 10 percent to nearly $1.4 billion while the largest component of the state's share of funding (block grants) will decline approximately 15 percent, as explained below.

Reasoning that courts represent an integral branch of state government and that justice cannot depend on the financial health of counties, the council has adopted the position that California's judicial system must move toward adequate state funding of the courts. As a result, in 1990 it created an Advisory Committee on State Court Funding to analyze the current funding method and to explore ways to achieve adequate state funding.

Trial Court Funding Program

During 1990, two legislative modifications were made to the state's trial court funding program: Senate Bill Nos. 2557 (Maddy) and 1943 (Lockyer).

Senate Bill No. 2557

This bill reduced the funding available for operation of the trial courts effective fiscal year 1990–91 and beyond.

According to the original Brown-Presley Trial Court Funding Act of 1988, counties that opted into the program received $53,000 per authorized judicial officer per quarter, plus a specified cost-of-living adjustment each year thereafter based on the average salary increase granted to state employees.

Using this formula, the quarterly block grants for 1989–90 were $56,180. Application of a 5 percent cost-of-living adjustment would have raised the amount to $58,989 for 1990–91. However, effective January 1, 1991, Senate Bill No. 2557 reduced the 1990–91 block grant amount to an annual average of $50,562 per quarter. This new amount was the result of a 10 percent cut in the 1989–90 block grant base plus the elimination of the scheduled 5 percent cost-of-living adjustment. The combined effect was a 15 percent funding reduction in 1990–91 block grant amounts.

In addition to modifying the formula for trial court funding, Senate Bill No. 2557 provides new revenue mechanisms to county governments and reduces the amount of money to be paid to cities with no or low property tax assessments. The new administrative fees allow counties to bill arresting agencies (cities, school districts, and other special districts) for costs associated with booking and processing detainees in county jail facilities. Counties also may impose administrative fees to cover the costs of collecting and distributing property taxes for local agencies.

Senate Bill No. 1943

This legislative amendment altered the time when courts and counties must submit a joint resolution to opt into the trial court funding program. The amendment changed the deadline from November 15 of the preceding fiscal year, 7.5 months before the effective date, to March 1, four months before the effective date. Under the prior deadline, budgeting had often become a year-round task for court and county staffs. The revised deadline provides more time for program and budget planning and allows better forecasting of local revenues and obligations for the next fiscal year.

Brown-Presley Trial Court Funding Act

The year 1990–91 is the second full fiscal year of trial court funding under Senate Bill No. 612 (Stats. 1988, ch. 945), the Brown-Presley Trial Court Funding Act of 1988. The 1990–91 state budget provides $398.2 million to fund the program. To receive funds, each county and the county's trial courts must decide to participate. All counties opted into the program for the 1990–91 fiscal year. Components of the act are:

- Counties will receive quarterly block grants averaging $50,562 per judicial position ($202,248 annually). The 1990–91 state budget includes $340.7 million for these block grants.
- Counties will receive supplemental block grant amounts equal to municipal and justice court judges' salaries based on the existing formula of state participation in superior court judges' salaries. The 1990–91 state budget contains $51.7 million for this purpose.
- Counties will receive supplemental block grant funds whenever new trial court judgeships created by 1987 legislation exceed 10 positions (Los Angeles, San Diego, and Santa Clara) and for all new judgeships effective on or after January 1, 1990. The additional amount is based upon the actual annual county per-judge appropriation and is subsequently reduced 25 percent per year. Thereafter, the standard block grant amount is maintained. The state has budgeted $5.8 million in 1990–91 for this purpose.
- The state budget includes no funding for the Trial Court Improvement Fund for 1990–91.

The 1990–91 state budget also includes $109.5 million for assistance to the trial courts for ongoing programs existing prior to the act. This includes $69.2 million for the state's share of superior court judges' salaries and $36.4 million for superior, municipal, and justice court judges' retirement. Finally, about $3.9 million is budgeted for continuing court-related local assistance programs such as payments to counties for costly homicide trials.

In summary, the total budgeted amount of state assistance to the trial courts for 1990–91 is estimated to total $507.7 million, comprising $109.5 million for pre-existing programs and $398.2 million provided under the act.

Reductions in block grants

The impact of the state's block grant reductions on court budgets varied widely among counties. Some courts experienced no reductions, while others experienced reductions in the full amount of the state's block grant cuts, plus a share of other county revenue losses.

Although some counties reported that local boards of supervisors had deferred reductions until later in the year, the reductions were most often based on the amount or proportion of new funding the courts actually received from the block grant program.[1] In some counties, however, the courts sustained countywide budget reductions, despite revenue increases available to county governments through other sources.

Due to the state fiscal crisis, which is likely to continue another year or more, some courts and counties anticipate further reductions in state trial court funding in the immediate future. Such an outcome would severely affect courts and counties whose funding options are limited and whose financial status is poor.

Counties prefer state funds to be made available as unrestricted general purpose money that can be used as local officials see fit. The courts, however, require a predictable funding source and, therefore, a joint opting-in process, to conduct their operations.

Advisory Committee on Trial Court Funding

Early in 1990, a committee of county administrative officers contacted the Administrative Office of the Courts (AOC) to discuss removing the requirement for judicial approval of the resolution to opt into the trial court funding program. They were referred by legislators unwilling to consider such changes without the concurrence of the judicial branch.

Meetings were held throughout the spring and a proposal was formulated that would remove the judicial sign-off requirement once the courts' budgets reach a certain level. The

[1] Although the Brown-Presley Trial Court Funding Act of 1988 requires that all funds be expended for defined court operations, block grant monies could be used to supplant existing county monies, thus "freeing up" previous county general fund revenues for any use. Courts and county officials, therefore, negotiated for the use of these freed-up monies to enhance court operations, as well as to fund other services.

Advisory Committee on Trial Court Funding

Hon. Hollis G. Best, Chair
Presiding Justice
Court of Appeal
Fifth Appellate District
Fresno

Hon. H. Walter Croskey, Co-chair
Associate Justice
Court of Appeal
Second Appellate District,
Division Three
Los Angeles

Hon. Reed Ambler
Judge, Superior Court
Santa Clara County

Hon. Philip A. Champlin
Judge, Superior Court
Napa County

Hon. John E. Dearman
Presiding Judge
Superior Court
City and County of San Francisco

Hon. James T. Ford
Presiding Judge
Superior Court
Sacramento County

Hon. William C. Pate
Judge, Superior Court
San Diego County

Hon. Phillip J. Argento
Judge, Municipal Court
Pasadena Municipal Court District

Hon. William S. Lebov
Judge, Municipal Court
Yolo County Municipal
Court District

Hon. Richard J. McAdams
Judge, Municipal Court
Santa Cruz County
Municipal Court District

Hon. Richard A. Paez
Judge, Municipal Court
Los Angeles Municipal
Court District

Hon. Nancy L. Sweet
Judge, Municipal Court
Sacramento Municipal
Court District

Ms. Sheila Gonzalez
Executive Officer/Jury
Commissioner
Ventura County Superior Court

Mr. Dennis B. Jones
Clerk/Administrator
Sacramento Municipal
Court District

Mr. Edward M. Kritzman
Court Administrator
Los Angeles Municipal
Court District

Ms. Donna Landeros
Yolo County
Administrative Officer

Mr. Kenneth E. Martone
Executive Officer/Jury
Commissioner
San Diego County
Superior Court

Mr. Paul McIntosh
Chief Administrative Officer
El Dorado County

Mr. Steve Szalay
County Administrator
Alameda County

Mr. Eric Webber
Chief Deputy County
Clerk/Executive Officer
Los Angeles County
Superior Court

Mr. Anthony A. Wernert
Executive Officer
Humboldt County Superior Court

Mr. Richard Wittenberg
Chief Administrative Officer
Ventura County

Mr. Frank S. Zolin
County Clerk/Executive Officer
Los Angeles County Superior Court

proposal was circulated to all judges, county clerks, and court administrators for comment and it was overwhelmingly rejected. Courts expressed concern that removal of judicial concurrence as a condition of opting into the program would negate the courts' ability to receive an equitable share of the funds.

The Chief Justice appointed a 22-member advisory committee in October 1990 to help institute adequate state funding for the trial courts. Committee members include a representative group of county administrators, judges, and court administrators.

In 1991, the committee is scheduled to explore alternative funding structures for the courts. The AOC is assisting with a study of how trial court funding is affecting counties and courts. The study includes interviews with court and county personnel and a financial analysis of the courts' operating budgets for the last four fiscal years. Fifteen counties are included in the study.

A report on the findings will be submitted to the Judicial Council in early 1991. The survey results will be shared with the courts.

1990–91 Trial Court Costs and Revenue Estimates

Estimated trial court costs for 1990–91 totaled $1,349,783,000, an increase of 9.98 percent over the previous year's (1989–90) revised estimate of $1,227,252,000. The state's share of this amount is $507.7 million or 37.6 percent of 1990–91 total trial court costs.

Apportionment of 1990–91 total trial court costs among judicial positions results in an annual "cost per judicial position" of $785,955 in superior courts and $817,308 in municipal courts. These figures reflect county budgeted costs plus the direct state contribution to superior court judges' salaries and superior, municipal, and justice court judges' retirement.

Trial court revenues for 1990–91 are estimated to be $1,174,585,250, an increase of 8.3 percent per year for counties and 9.8 percent per year for cities above the actual collections reported to the State Controller for 1988–89.

Reduction in state funding

As explained on the previous page, total state assistance to the trial courts fell from $536.9 million in 1989–90 to $507.7 million in 1990–91, a reduction of 5.4 percent.

The table on the following page presents a four-year review of trial court assistance amounts from 1987–88, the year before the Trial Court Funding Act of 1988, to 1990–91, and calculates the percentage of estimated total trial court costs funded by state assistance.

In 1987–88, the state assistance level was 11.9 percent of estimated trial court costs.

In 1988–89, with midyear implementation of the act, assistance rose to 29.4 percent.

In 1989–90, the first full year of operation under the act, the assistance level increased to 43.8 percent of total trial court expenditures.

In 1990–91, the assistance level declined to 37.6 percent. If block grant funding had not been reduced, the assistance level would have totaled 41.8 percent of estimated trial court costs.

Cost and revenue estimating procedures

The procedures followed in estimating trial court costs and revenues have remained essentially the same for the past nine years.

Trial court cost and revenue calculations appear in tables 1 to 6 and a summary of frequently requested court financing data is presented in table 7.

The 1990–91 trial court cost estimates subscribe to the definition of "court operations" set forth in Government Code section 77003 and amplified in rule 810 of the California Rules of Court.

Trial court costs include costs designated in county budgets for superior, municipal, and justice courts, the county clerk's office, and bailiffing personnel.[2] Countywide indirect costs attributable to court budget activities are calculated and applied. Indirect costs include county government functions, such as a personnel or purchasing office whose costs are attributed to the courts by local prorated estimates.

Estimating total trial court costs requires the inclusion of direct contributions by the state for superior court judges' salaries and superior, municipal, and justice court judges' retirement. These costs are not included in county budgets.

The estimates in this chapter also report other categories of state assistance, including block grants, supplemental block grants, and reimbursement for specified local programs.

Not included as trial court costs are items excluded from the definition of court operations, such as courthouse construction and site acquisition, specified law library operations, grand jury and pretrial release expenses, district attorney and probation services, and indigent criminal defense except for juvenile court dependency hearings.

Counties with populations under 350,000 are exempt from some of the above exclusions. However, the estimates here do not distinguish between counties with populations above 350,000 and those with populations below 350,000.

Nine-county cost survey

Local trial court cost estimates are based on a survey of current court costs in nine counties. The results of the survey are extrapolated into statewide totals. The counties surveyed are Alameda, Fresno, Los Angeles, Orange, Sacramento, San Diego, San Mateo, Santa Clara, and Ventura.

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2 For cost-estimating purposes, bailiffing services are calculated on the basis of one bailiff for each judicial position. Rule 810, however, has been amended to remove this limitation.

Current budgets (1990–91) from these counties were obtained and carefully reviewed along with supplemental data supplied by county budget, personnel, and auditor offices to develop both a 1990–91 estimate and a 1989–90 revised estimate.

The superior courts in the survey have 608 authorized judicial positions, which constitute 67.4 percent of the total superior court judicial positions in the state for 1990–91.

Local 1990–91 costs in these nine counties for superior courts, including county clerks, bailiffs, and indirect costs, totaled $416.9 million. When extrapolated statewide and added to direct state assistance, this amount is 9.65 percent above the 1989–90 revised estimate.

The survey included 45 municipal courts with 506.5 authorized judicial positions, which constituted 67.6 percent of the total judicial positions in all municipal courts. The local 1990–91 municipal court expenditure estimates in these nine counties totaled $403.7 million. When this amount is extrapolated statewide and added to state assistance, the result is 10.26 percent above the revised 1989–90 estimate.

The cost estimates for 1990–91 are displayed in table 1 and the revised 1989–90 estimates are shown in table 2.

Cost per judicial position

Trial court cost data are arranged so that total trial court costs are apportioned among total judicial positions for municipal and superior courts (see tables 1 to 4).

Total judicial positions includes judges, referees, and commissioners. Therefore, each judicial position represents an equal share of total trial court costs.

The cost per judicial position includes not only the salary and benefits for the judicial position itself but also a proportionate share of all costs of nonjudicial positions, services and supplies, and countywide indirect costs attributable to the courts.

State Assistance for Trial Court Funding 1987–88 to 1990–91 (Million $)

Category of Assistance	*1987–88*	*1988–89*	*1989–90*	*Budget 1990–91*
Block Grants	$ 0.0	$ 177.8	$ 378.6	$ 340.7
Block Grants for New Judgeships	0.0	4.5	7.9	5.8
Municipal Court Judges' Salary Grants	0.0	20.3	43.7	46.5
Justice Court Judges' Salary Grants	0.0	0.0	3.3	5.2
Trial Court Improvement Fund	0.0	0.0	0.0	0.0
Subtotal Trial Court Funding Act	$ 0.0	$ 202.6	$ 433.5	$ 398.2
Superior Court Judges' Salaries	$ 56.5	$ 59.3	$ 67.4	$ 69.2
Superior Court Block Grants	13.5	6.8	0.0	0.0
Judges' Retirement	23.8	24.7	29.8	36.4
Other Local Assistance	12.4	6.7	6.2	3.9
Subtotal Other Trial Court Assistance	$106.2	$ 97.5	$ 103.4	$ 109.5
Total Trial Court Assistance	$106.2	$ 300.1	$ 536.9	$ 507.7
Estimated Statewide Cost of Trial Court Operations	$890.7	$1,020.0	$1,227.3	$1,349.8
State Assistance as a Percentage of Estimated Statewide Trial Court Costs	11.9%	29.4%	43.8%	37.6%

Finally, the cost of a bailiff position is added to the above to provide the total costs assignable to each judicial position.

The division of trial court costs into annual costs per judicial position allows for a further breakdown into costs per judicial case-related minute, hour, and day as illustrated by tables 3 and 4. This breakdown is possible because of data accumulated by the Judicial Council weighted caseload studies, such as the minutes per year and days per year available for case-related work for the average judicial position. These details are very useful when estimating additional court costs required by a legislative proposal that would add minutes or hours of time to a judicial proceeding or impose a new judicial duty.

Justice court costs are not presented in the same detail as superior and municipal court costs because they account for only a small portion of the workload of the trial courts. Also, because most justice court judges have less than a full-time workload, a cost per judicial position would not be applicable. Therefore, justice court costs are presented as a lump-sum amount, approximately equivalent to their share of the lower courts' workload.

Cost components

Trial court cost data have been segregated into five cost categories: judicial salaries and benefits; nonjudicial salaries and benefits; services and supplies; indirect costs; and costs for bailiffs. A brief description of these court cost components follows.

Judicial salaries and benefits

Judicial salaries are the annual statutory salaries for municipal and superior court judges as of the January 1, 1991, authorized adjustment. The state share of superior court judges' salaries is included, currently ranging from $89,797 to $93,797 per year, depending on the size of the county. These amounts are 90–95 percent of the salary of a superior court judge.

Salaries for court commissioners and referees are included in this cost category because these court officers are available to handle matters otherwise requiring an equivalent number of judges. For estimating purposes the salaries of court commissioners and referees are 25 percent below the salary of a municipal court judge and 15 percent below the salary of a superior court judge.

Health and retirement benefit rates are calculated to be 33.6 percent of salary for superior court judges and 34.1 percent of salary for municipal court judges.

Superior court judge benefits include approximately 4.2 percent of salary for health-related insurance, an employer retirement contribution rate of 8 percent, plus a pro rata share of the annual state budget appropriation to the retirement fund equivalent to an additional 19.5 percent of salary. Since April 1, 1986, judges have been covered by Medicare with a 1.45 percent employer contribution rate.

Municipal court judges' benefits include about 5.2 percent of salary for health-related insurance and employer retirement contribution rates identical to those for superior court judges, i.e., 8 percent plus 19.5 percent of the pro rata share of the annual budget appropriation to the retirement fund.

Since April 1, 1986, municipal court judges have been covered by Medicare with a 1.45 percent employer contribution rate.

Benefits for commissioners and referees are calculated on the same basis as for nonjudicial employees generally.

Nonjudicial salaries and benefits

Nonjudicial personnel include all positions that provide support to the judicial function. For the superior court, nonjudicial personnel include court-related positions in the county clerk's budget as well as positions budgeted directly in the superior court. A partial list of support personnel includes court administrators, jury commissioners, secretaries, stenographers, courtroom clerks, court reporters, calendar clerks, data processing and microfilming personnel, deputy clerks, clerk typists, accountants, cashiers, and counter clerks.

The position of bailiff is costed separately to keep it identifiable from other nonjudicial position costs. Costs of bailiffing are discussed below.

Benefits for trial court nonjudicial personnel are in keeping with the county employee benefit rates generally applicable throughout the state.

Services and supplies

The "services and supplies" category of trial court expenditures includes traditional operating expenses such as office supplies, printing, postage, telephone, and travel.

Other costs unique to court operations include jury expenses, expert witness fees, and professional services of doctors. Within "services and supplies" most counties typically include direct charges for some central service–type costs such as data processing, vehicle use, and sometimes building costs for security and maintenance. Other countywide central service costs are considered indirect costs and are discussed below as a separate cost component.

Also included within the cost component of services and supplies are expenditures for office equipment and furnishings. These costs are categorized as "fixed assets" in most county budgets and are identified separately from services and supplies. However, because these amounts are a minor part of total annual expenditures and tend to fluctuate from year to year, they are included within the larger category of services and supplies.

As noted previously, however, major capital outlay expenditures for such purposes as courthouse construction and site acquisition are not included in trial court costs. Likewise, building use charges tied to a depreciation schedule are excluded.

Indirect costs
This expenditure category allows for a share of centralized county services used by the courts to be included in the total operational costs of the courts. Although counties direct-charge some countywide central service costs, as noted above, often these costs are incorporated into a countywide cost allocation plan and are charged to the courts as indirect costs.

The countywide central service plans, as applied to the courts, may include such costs as purchasing, stores, personnel, auditing, disbursements, payroll, budget preparation and execution, messenger service, grant coordination, office machine maintenance, communications, parking lot maintenance, records retention, liability and bonding insurance, and rent, security, and maintenance of court facilities. Rent in the form of use charges to depreciate building costs is excluded.

Significant variations exist among counties as to which items are considered indirect costs and which are considered direct charges and thus appear as budgeted expenditures.

The latest reported indirect annual costs charged to the courts, including the county clerk function and any other court-related budget units, are obtained from the State Controller. The actual indirect costs for all municipal and superior courts surveyed are totaled and extrapolated to show a statewide total.

Court reporters
In past years, the cost of a court reporter was displayed as a separate item. However, because readers of this report have not found the information very useful, the court reporter salary benefit costs are included within the nonjudicial staffing category.

Bailiffs
Bailiffing costs, in this report, are computed on a ratio of one bailiff for each judicial position for both municipal and superior courts. It is recognized, however, that expanded security responsibilities and coverage for vacations, illnesses, and other time off justify an increase in the ratio. The approved costs for court operations as itemized in California Rules of Court, rule 810, allow sheriffs, marshals, and constables as the court deems necessary with designated limitations.

Until the AOC can gather reliable cost data, it will continue to utilize the one-bailiff ratio for purposes of this report.

Average salaries and benefits for bailiffs were based on telephone inquiries to survey counties.

State judicial budget
Table 5 is a summary of the various program categories that constitute the state judicial budget as included in the *Governor's Annual Budget* and the *Final Budget Summary*. Those categories are grouped into state operations and local assistance.

State judicial operations include the Supreme Court, Courts of Appeal, Judicial Council, and Commission on Judicial Performance.

Local assistance constitutes the state's total contribution to trial court funding. This includes trial court funding block grants, and supplemental municipal and justice court judges' salary grants in option counties. State funds for the major portion of superior court judges' salaries and contributions to the Judges' Retirement Fund are also included, as well as funding for specified local programs.

The local assistance amounts are included within the total estimated trial court costs for 1990–91 as presented in table 1.

Trial court revenues
Table 6 contains 1990–91 estimates of trial court revenues. The estimates are based on 1988–89 actual amounts. The 1988–89 "actuals" are from two sources.

The revenue to counties and cities is from the State Controller's *Annual Report of Financial Transactions*. Revenues to the state are from the Governor's Budget as reported in various penalty assessment funds and the Judges' Retirement Fund.

A minor amount in fines is received by the state as miscellaneous revenue and an estimate is included for this item.

The 1990–91 projections for trial court revenues to cities and counties are based on the average rate of increase in court revenues realized in fiscal years 1986–87, 1987–88, and 1988–89. The average annual increase projected for counties is 8.3 percent and for cities the average annual projected increase is 9.8 percent.

The revenue amounts distributed to the state for 1990–91 are from the Governor's Budget, with the miscellaneous revenue from court fines estimated independently.

Court financing summary
The summary in table 7 includes total California court costs, including state judicial operations, state assistance to trial courts, and local trial court costs.

Also presented are calculations of court costs as a percent of budget expenditures for various levels of government. This year, new charts illustrate the judiciary's share of the 1990–91 state budget and all state and local judiciary costs as a share of total state and local 1990–91 estimated costs.

Also summarized are trial court costs by level of court and the degree of state and local funding for each level of court; trial court costs apportioned to each judgeship in superior and municipal courts and the state and county shares for each additional position; and trial court revenues by type and amounts distributed to counties, cities, and the state.

Table 1

Summary of Total Estimated Trial Court Costs[a] *1990–91*

Courts	*Estimated average annual cost per judicial position*	*Judicial positions*	*Estimated total trial court costs*
Superior Courts			
Judicial Position ($99,297 + 33.6%)	$132,661		
Nonjudicial Personnel	365,223		
Services and Supplies and Fixed Assets	180,111		
Subtotal	$677,995		
Indirect Costs	61,745		
Subtotal	$739,740		
Bailiff	46,215		
Total Costs	$785,955	902 (789 judges)	$ 708,931,000
Municipal Courts			
Judicial Position ($90,680 + 34.1%)	$121,602		
Nonjudicial Personnel	353,747		
Services and Supplies and Fixed Assets	231,040		
Subtotal	$706,389		
Indirect Costs	63,110		
Subtotal	$769,499		
Bailiff	47,809		
Total Costs	$817,308	749 (614 judges)	$ 612,164,000
Justice Courts		57 part-time (35.1 FTEs)	$ 28,688,000
Total All Trial Courts			$1,349,783,000[b]

a 1990–91 total trial court costs are 9.98% above the revised 1989–90 total in Table 2. Judges' salaries are included at the January 1, 1991, level.
b Included in this amount is the state's contribution to the trial courts of $507.7 million. See Table 5 of this appendix for detail of state's share of costs.

Table 2

Summary of Total Estimated Trial Court Costs[a] *Revised 1989–90*

Courts	*Estimated average annual cost per judicial position*	*Judicial positions*	*Estimated total trial court costs*
Superior Courts			
Judicial Position ($94,344 + 29.4%)	$122,081		
Nonjudicial Personnel	306,891		
Services and Supplies	192,646		
Subtotal	$621,618		
Indirect Costs	48,812		
Subtotal	$670,430		
Bailiff	45,193		
Total Costs	$715,623	903.5 (789 judges)	$ 646,565,000
Municipal Courts			
Judicial Position ($86,157 + 28.4%)	$110,626		
Nonjudicial Personnel	315,756		
Services and Supplies	210,902		
Subtotal	$637,284		
Indirect Costs	57,634		
Subtotal	$694,918		
Bailiff	46,322		
Total Costs	$741,240	749 (614 judges)	$ 555,189,000
Justice Courts		57 part-time (34.4 FTEs)	$ 2 9,000
Total All Trial Courts			$1,227,252,000[b]

a Revised 1989–90 total trial court estimates were increased 6.27% based on actual amounts from 1990–91 county budgets and other updated supplemental state and county data.

b Included in this amount is the state's contribution to the trial courts.

Table 3

Superior Courts' Total Estimated Costs Per Judicial Position 1990–91

Cost Category	*Estimated average annual cost per judicial position*	*Average cost per case-related minute*[a]	*Average cost per case-related hour*[a]	*Average cost per case-related day*[a]
Judicial Position (1–1–91 $99,297 + 33.6%)	$132,661	$ 1.7609	$105.65	$ 606
Nonjudicial Personnel	365,223	4.8479	290.87	1,668
Services and Supplies	180,111	2.3908	143.45	822
Subtotal	$677,995	$ 8.8996	$539.98	$3,096
Indirect Costs	61,745	0.8196	49.18	282
Total Cost Apportioned to Each Judicial Position (bailiff excluded)	$739,740	$ 9.8192	$589.16	$3,378
Total Cost Apportioned to Each Judicial Position (bailiff included)	$785,955	$10.4327	$625.96	$3,589

a An estimated 219 days per year or 75,336 minutes per year are available for case-related activity for each judicial position in the superior courts.

Table 4

Municipal Courts' Total Estimated Costs Per Judicial Position 1990–91

Cost Category	*Estimated average annual cost per judicial position*	*Average cost per case-related minute*[a]	*Average cost per case-related hour*[a]	*Average cost per case-related day*[a]
Judicial Position (1–1–91 $90,680 + 34.1%)	$121,602	$ 1.9210	$115.27	$ 558
Nonjudicial Personnel	353,747	5.5885	335.30	1,622
Services and Supplies	231,040	3.6499	218.99	1,060
Subtotal	$706,389	$11.1594	$669.56	$3,240
Indirect Costs	63,110	0.9970	59.82	289
Total Cost Apportioned to Each Judicial Position (bailiff excluded)	$769,499	$12.1564	$729.38	$3,529
Total Cost Apportioned to Each Judicial Position (bailiff included)	$817,308	$12.9117	$774.70	$3,749

a An estimated 218 days per year or 63,300 minutes per year are available for case-related activity for each judicial position in the municipal courts.

Table 5

State Judicial Budget (Million $) 1990–91

Supreme Court	$ 15.5
Courts of Appeal	95.2
Judicial Council	27.2
Commission on Judicial Performance	1.2
Judges' Retirement Fund (Appellate Courts)	3.0
Total State Judicial Operations	$142.1
Trial Court Funding Block Grants	$340.7
Supplemental Block Grants for New Judgeships	5.8
Supplemental Municipal Court Judges' Salary Grants	46.5
Supplemental Justice Court Judges' Salary Grants	5.2
Trial Court Improvement Fund	0.0
Superior Court Judges' Salaries	69.2
Judges' Retirement Fund	
Superior Courts, estimated $21.3	
Municipal Courts, estimated $15.1	36.4
Other Local Assistance	3.9
Total Local Assistance	507.7[a]
Total 1990–91 State Judicial Budget	$649.8 million

a These items totaling $507.7 million are the state's contribution to the funding of the trial courts. This amount is included within the total estimated trial court costs for 1990–91 as displayed in Table 1 of this appendix.

Table 6

Trial Court Revenues Actual 1988–89 Estimated 1990–91[a]

	1988–89 Actual	*1990–91 Estimated*
To Counties[b]		
Fines, Forfeitures, Penalties		
Vehicle Code Fines	$152,127,269	$ 172,093,206[c]
Other Court Fines	104,977,483	128,807,297
Forfeitures and Penalties	108,083,334	124,903,803
Charges for Current Services		
Civil Process Services	21,972,843	27,361,305
Court Fees and Costs	163,939,025	193,420,252
Total	$551,099,954	$ 646,585,863
To Cities[b]		
Fines and Penalties		
Vehicle Code Fines	$196,397,413	$ 238,678,979[d]
Other Fines, Forfeitures, and Penalties	86,322,788	102,334,408
Total	$282,720,201	$ 341,013,389
To State of California[e]		
Penalties on Fines	$159,363,000	$ 180,386,000[f]
Court Fees (Judges' Retirement Fund)	3,675,000	3,600,000
Court Fines (estimates-of state share of specified violations of Bus. & Prof. Code and Health & Saf. Code)	3,000,000	3,000,000
Total	$166,038,000	$ 186,986,000
Summary		
To Counties	$551,099,954	$ 646,585,863
To Cities	282,720,201	341,013,387
To State	166,038,000	186,986,000
Total	$999,858,155	$1,174,585,250

a Revenue to counties has been adjusted an average of 8.5% per year for 1989–90 and 1990–91 based on the average annual increase of trial court revenues to the counties for the three preceding years. Revenue to cities has been adjusted 9.8% per year for 1989–90 and 1990–91 based on the average annual increase of trial court revenues to cities for the three preceding years. Revenue to the state is from the 1990–91 Governor's Budget except for court fines, which have been estimated independently.

b Source: State Controller's Reports—Financial Transactions Concerning Counties and Cities. (Adjustment made to reflect San Francisco County under "Counties" instead of "Cities.")

c 50% Vehicle Code fines restricted as to use per Veh. Code, § 42201.

d All Vehicle Code fines restricted as to use per Veh. Code, § 42200.

e Governor's Budget and Judicial Council estimates.

f Fine assessments are designated by statute for specific purposes. The 1988–89 and 1990–91 distributions and amounts from the Governor's 1990–91 budget are as follows:

	1988–89	*1990–91*
Peace Officers Training Fund	$ 38,427,000	$ 45,481,000
Driver Training Penalty Assessment Fund	41,168,000	46,583,000
Fish and Game Preservation Fund	526,000	596,000
Restitution (Indemnity) Fund	51,792,000	58,418,000
Corrections and Probation Training Fund	12,629,000	14,290,000
Local Public Prosecutors and Public Defender Training Fund	850,000	850,000
Victim/Witness Assistance Fund	13,847,000	15,668,000
Traumatic Brain Injury Fund	124,000	500,000
	$159,363,000	$180,386,000

Table 7

Court Financing Summary 1990–91

Total Court Costs by Funding Source (State and Local)		
State Judicial Operations[a]	$ 142.1 million	9.5%
State Assistance to Trial Courts[b]	507.7	34.1
Total State Costs	$ 649.8	43.6%
County Costs (Trial Courts)	842.1	56.4
Total Court Costs (est.)	$1,491.9 million	100.0%
Total Court Costs as Percent of Total Budget Expenditures		
Total Court Costs Funded by State as Percent of Total State General Budget[c]		1.3%
Total Court Costs as Percent of Total State General Budget[d]		2.9%
Total Court Costs as Percent of Total Estimated State and Local Budget Expenditures[e]		1.8%
Trial Court Costs by Level of Court		
Superior Courts	$ 708.9 million	52.5%
Municipal Courts	612.2	45.4
Justice Courts	28.7	2.1
Total Trial Costs (est.)	$1,349.8 million	100.0%
Trial Court Costs by Funding Source (State and Local)		
Superior Courts		
County Costs	$ 428.3 million	60.4%
State Assistance[f]	280.6	39.6
Total Superior Court Costs (est.)	$ 708.9 million	100.0%
Municipal Courts		
County Costs	$ 397.1 million	64.9%
State Assistance[g]	215.1	35.1
Total Municipal Court Costs (est.)	$ 612.2 million	100.0%
Justice Courts		
County Costs	$ 16.7 million	58.2%
State Assistance[h]	12.0	41.8
Total Justice Court Costs (est.)	$ 28.7 million	100.0%
Total All Trial Courts		
County Costs	$ 842.1 million	62.4%
State Assistance	507.7	37.6
Total Trial Court Costs (est.)	$1,349.8 million	100.0%

Table 7
(Continued)

Court Financing Summary 1990–91

Average Costs per Superior Court Judgeship	
County Costs	$456,193
State Assistance[1]	329,762
Cost per Judgeship (est.)	$785,955
Average Costs per Municipal Court Judgeship	
County Costs	$508,984
State Assistance[1]	308,224
Cost per Judgeship (est.)	$817,308
Trial Court Revenue by Type	
Fines, Forfeitures, and Penalties	$ 773.4 million
Assessments on Fines	180.4
Civil Filing Fees and Costs	193.4
Civil Process Services	27.4
Total Revenue (est.)	$ 1,174.6 million
Distribution of Trial Court Revenue	
To Counties	$ 646.6 million
To Cities	341.0
To State	187.0
Total Revenue (est.)	$ 1,174.6 million

Table 7
(Continued)

Court Financing Summary 1990–91

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a State judicial operations include the Supreme Court, Courts of Appeal, Judicial Council, and Commission on Judicial Performance.

b State assistance to the trial courts includes trial court funding block grants @ $50,562 per quarter per judicial position, supplemental salary grants for the major portion of municipal and justice courts judges' salaries, a trial court management fund, a major portion of superior court judges' salaries, contributions to the Judges' Retirement Fund, and local assistance for certain designated programs.

c State's share of total court costs is $649.8 million. State general budget is $50.6 billion. Thus $649.8 million/$50.6 billion = 1.3%.

d Total court expenditures are $1.492 billion. State general budget is $50.6 billion. Thus $1.492 billion/$50.6 billion = 2.9%.

e The Controller's Office reports the following local government expenditures:

1988–89 county expenditures exclusive of enterprise and bond funds	$ 19.498 billion
1988–89 city expenditures exclusive of enterprise and bond funds	15.891
1988–89 special district expenditures, non-enterprise activities only	2.581
1988–89 school district expenditures	24.240
Total local expenditures	$ 60.210 billion
Application of 6.8% per year average increase for 1989–90 and 1990–91	$ 68.651 billion
Add state budget less local assistance	15.269
Total state and local expenditures	$ 83.920 billion
Thus, $1.492 billion/$83.920 billion =	1.8%

f State assistance to superior courts includes:

(1) Trial court funding block grants	$186.2 million
(2) Trial Court Improvement Fund	0.0
(3) Contribution to superior court judges' salaries	69.2
(4) Judges' Retirement Fund (8% of salary plus additional appropriation to meet liabilities)	21.5
(5) Other local programs	3.9
Total	$280.6 million

g State assistance to municipal courts includes:

(1) Trial court funding block grants	$153.5 million
(2) Supplemental grants for major portion of municipal court judges' salaries	46.5
(3) Trial Court Improvement Fund	0.0
(4) Judges' Retirement Fund (8% of salary plus additional appropriation to meet liabilities)	15.1
Total	$215.1 million

h State assistance to justice courts includes trial court funding block grants and supplemental salary grants totaling $12.0 million.

i The calculation of 1990–91 state assistance for each superior court judgeship is as follows:
(1) Trial court funding block grant for option counties @ $50,562 per quarter or $202,248 for the year per judgeship.
(2) State pays salary except for fixed county share of $9,500 for counties with population over 250,500; $7,500 for counties with population of 40,001–249,999; and $5,500 for counties with population of 40,000 or less. The calculation here is based on the largest-sized counties. Thus, the current annual salary of $99,297 less $9,500 = $89,797 as the state share.
(3) 8% of salary to Judges' Retirement Fund ($99,297 @ 8% = $7,944) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the fund ($19,322) plus 6.2% of salary for health and welfare ($6,156) for a total of $33,422.
(4) Pro rata share of other local programs @ $4,295.
The amount of state assistance per superior court judgeship as calculated here for fiscal year 1990–91 totals $329,762.

j The calculation of 1990–91 state assistance for each municipal court judgeship is as follows:
(1) Trial court funding block grant for option counties @ $50,562 per quarter or $202,248 for the year per judgeship.
(2) Supplemental grants for municipal court judges' salaries based on the same salary contribution formula as for superior court judges. Thus, for the largest-sized counties (over 250,000 population) the supplemental grant would be $90,680 less $9,500, or $81,180.
(3) 8% of salary to Judges' Retirement Fund ($90,680 @ 8% = $7,254) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the fund ($17,642) for a total of $24,896.
The amount of state assistance per municipal court judgeship as calculated here for fiscal year 1990–91 totals $308,324.

CHAPTER 6

IMPROVING ACCESS TO JUSTICE

Assuring every Californian access to the judicial system is one of the Judicial Council's chief responsibilities and priorities. It also is one of the council's most formidable challenges: a shortage of judges and courtrooms combined with a steady growth in litigation have placed extraordinary pressures on the state's judges and court facilities. Court management is part of the solution, but California also must increase judicial resources, provide alternatives to litigation, and improve the quantity and quality of court facilities.

The council has established special study groups and committees to provide policy direction to the Legislature and the courts on these pressing concerns. Following is a report on their activities.

Task Force to Increase Judicial Resources

California is growing rapidly. More residents and businesses mean more demands on the state's judicial system. Assuring adequate judicial positions to serve the needs of the state's expanding and diverse population is a vital yet difficult task.

Concerned by California's critical shortage of judges and the myriad conflicting proposals to remedy the crisis, the Judicial Council in May 1990 approved the formation of the Task Force to Increase Judicial Resources, giving it responsibility for studying and advising the council on various proposals for augmenting judicial resources. The task force reviewed existing proposals and devised several new ones.

The task force is not convinced that new legislative enactments (Assem. Bill No. 2874 and Assem. Bill No. 2964) will be sufficient to provide an adequate number of assignable judges. The financial condition of many counties makes it unclear whether new legislation calling for hefty county contributions can greatly enlarge the number of retired judges available for assignment.

Another cause for concern is that private judging and law practice will continue to provide more lucrative rewards in some parts of the state than these enactments can provide. Furthermore, as the overall size of the judiciary increases, the need for substitute judges increases concomitantly.

The task force's recommendations, approved by the Judicial Council in November, are to:

- ☐ publish for statewide comment, and seek a legislative sponsor for, a proposed constitutional amendment and statute to create a new group of judges (circuit judges) who would be paid by the state and would be available for assignment statewide;
- ☐ seek legislation to increase the number of assignable senior judges by eliminating the minimum age limit for those judges and allowing them to continue to accrue service credits for the three senior judge years up to a maximum of 20 years of credit;
- ☐ seek legislation that would change the computation formula for the daily rate of compensation for assigned retired judges by allowing the Judicial Council to determine the number of work days in a year and dividing that number into the full fiscal-year compensation of a judge on the court to which a retired judge is assigned;
- ☐ direct staff to publish for statewide comment the text of amendments to California Rules of Court rules 205 and 532.5 that would require presiding judges to provide visiting judges with necessary information and facilities; and
- ☐ direct staff to prepare a pamphlet for courts on suggested procedures for accommodating visiting judges.

Explanation of recommendations

Creation of circuit judges

The task force recommended creation of a permanent full-time corps of judges to serve multicounty areas as assigned by the Chief Justice.

As conceived by the task force, a "circuit judge"

- ☐ could be assigned all over the state, but would most likely be assigned to "dark" courtrooms within a "circuit" of contiguous counties near his or her home;
- ☐ would receive the same compensation as a superior court judge but would serve in both superior and municipal courts;
- ☐ would be subject to the same rules and standards on discipline and training as other judges;
- ☐ would be screened in the usual manner, would be appointed by the Governor, and would be elected by retention elections in the circuit to which she or he had been appointed;
- ☐ would be compensated solely by the state and receive state benefits, and would also receive office space, secretarial support, and other necessary materials as provided by the state directly or by contract; and
- ☐ would receive payment and assignments through the Administrative Office of the Courts (AOC). (The counties would reimburse the AOC for travel expenses.)

In order to establish a corps of circuit judges, both a constitutional amendment and a new statute would be required. The task force recommended, and the council approved, circulation for statewide comment the proposed constitutional amendment and statute and identification of a legislative sponsor for the proposal.

Creation of a corps of assignable senior judges

The task force agreed with a proposal made by Judge Warren Conklin, President of the California Judges Association, that a minor change in the senior judge statutes might lead to a larger number of senior judges available for assignment.

Currently, a judge may go on senior status for up to three years after reaching age 69.5. This creates a vacancy on the court that can be filled, yet the judge may continue to serve and draw a salary. Very few judges have taken advantage of this opportunity.

When Assigned Judges Are Needed

The Chief Justice, pursuant to his authority under article VI of the Constitution, may assign judges to cover courtrooms for the following reasons:

Vacancies

Upon the resignation, retirement, or death of an incumbent judge, a replacement may not be named for as many as 18 months. This leaves the court with a vacant courtroom and an unemployed courtroom staff unless a substitute judge can be assigned by the Chief Justice.

Illness

Unexpected absences due to sickness place special strains on the court's calendars, because lawyers, parties, and jurors usually have been scheduled for appearances in the judge's courtroom; unless an assigned judge can be provided in such situations, the effects of the illness may cascade into other courtrooms and may disrupt case scheduling for days or weeks following the illness.

Lengthy cases or mass arrests

Unusually long or complex cases or mass arrests can cause many matters to be delayed excessively and can have an adverse impact on the calendars of an entire court, especially in smaller courts, unless an additional judge can be assigned to the court from time to time.

Vacations, educational leave, administrative duties

During the judge's normal out-of-court time, the courtroom is available for use by an assigned judge; courts able to schedule assignments with certainty and well in advance can delay the need for construction of new courtrooms.

Eliminating the age restriction and allowing retirement credits to accrue during the three senior judge years may draw more judges to the program.

The task force recommended that the Judicial Council seek the amendments to Government Code sections 75028.1 and 75028.4.

Compensation of assigned retired judges

The task force recommended, and the council approved, a proposal that retired judges serving on assignment be realistically and consistently compensated based on the daily compensation of a regularly sitting judge.

Because the number of annual working days can change from year to year, and because the standards set by the Judicial Council affecting the number of work days required of a judicial officer can change, the task force recommended that the Judicial Council calculate the number of work days per year rather than use a fixed figure.

The task force recommended that the Judicial Council seek an amendment to Government Code section 68547 to provide for this increased daily compensation for retired assigned judges.

Treatment of visiting judges

The task force made a recommendation, which the Judicial Council approved, that staff produce a pamphlet regarding the treatment of visiting judges.

The AOC has received numerous complaints over the years from assigned judges about the treatment they received at the courts to which they were assigned. The reactions ranged from offense taken when no one thanked them for coming, to outrage when neither a courtroom nor a bailiff was provided and their services were not used. A significant number of retired judges have declined to take assignments because of perceived ill treatment.

Task Force to Increase Judicial Resources

Hon. Richard P. Byrne
Judge, Superior Court
Los Angeles County

Hon. Donna M. Petre
Judge, Superior Court
Yolo County

Hon. Robert Barclay
Judge, Justice Court
Modoc Judicial District

Hon. Brian Rix
Judge, Municipal Court
North Butte Judicial District

Hon. Richard Tuttle
Retired Judge, Superior Court
Sacramento County

The task force discussed this problem at some length and concluded that the burden should be placed on presiding judges to determine how best to welcome and accommodate visiting judges. This recommendation, along with the comments regarding it that were received, have been forwarded to the new Advisory Committee on Presiding Judges' Terms and Duties.

The task force will remain in existence to review relevant bills and plans that emerge in the future.

For more information about judicial assignments, please see pages 37 and 92.

Advisory Committee on Court Profiles

Recognizing that the weighted caseload system used by trial courts and the Judicial Council has become inadequate for assessing judgeship needs in trial courts, the Judicial Council appointed an Advisory Committee on Court Profiles in 1990 to develop a new methodology for this purpose. Because development of such a methodology would take time, the committee also was directed to recommend a short-term solution to judgeship needs determination and allocation.

In November 1990, the Judicial Council approved the committee's conceptual model for a new trial court judgeship needs determination methodology. The new approach involves a model more sophisticated than that used in the weighted caseload methodology. The new model will determine need based on workload, time standards, and performance factors. Workload will be measured by the number of filings (using a larger number of case categories more directly related to judge use) and by the time required for the pretrial, disposition, and post-disposition phases in a case. Existing weights developed under the old weighted caseload methodology will not be used. Time standards and performance factors also will be incorporated so that the estimated need provides sufficient judicial resources to dispose of cases in a timely and just manner.

The committee has defined judgeship need as follows: "A court needs additional authorized judicial positions when the efficient use of available resources cannot meet demand in a just and timely manner."

"Available resources" refers to resources the court has or could reasonably be expected to obtain. Resources include, but are not limited to, authorized judgeships; commissioners and referees; judicial support

positions; automation; physical space; special programs; and interagency support and policies. The model assumes the court will make efficient use of the resources available to it.

"Demand" is based on workload, the number and composition of new filings, and, to some extent, the number of pending cases. "Just manner" refers to the quality of justice. "Timely manner" refers to standards of case-processing time adopted for the court.

The committee will continue developing the model during 1991, and judges and trial court clerks and administrators will be invited to comment during that time. Work also will proceed on refining case categories and developing a data-gathering system.

Interim approach

The interim approach recommended by the advisory committee and approved by the Judicial Council will be used until the new methodology is fully developed. It requires courts desiring new judgeships to submit a report indicating their need for judges and the basis for the need. The identification of need will be based partly on a statistical profile prepared by the AOC from information reported by the courts.

On December 3, 1990, an omnibus judgeship bill was introduced by Senate Judiciary Committee Chairman Bill Lockyer (Sen. Bill No. 16) to address the statewide need for judges. After the interim need assessment is completed, the bill will be amended to indicate the total statewide need for new judgeships. The actual number of new judgeships created will depend upon the Legislature and the availability of funding.

Each court will receive a statistical profile that presents aggregate information reported to the AOC along with instructions outlining a format the court's report on judgeship needs might follow and the information it might contain. Each report must be prepared for inclusion in an omnibus judgeship bill. This information will be forwarded to the Legislature, which will use it to amend the bill.

Advisory Committee on Court Profiles

Hon. Fred William Marler, Jr., Chair
Associate Justice, Court of Appeal
Third Appellate District

Hon. Phillip E. Cox
Judge, Superior Court
Orange County

Hon. Eugene T. Gualco
Judge, Superior Court
Sacramento County

Hon. Thomas Francis Nuss
Judge, Superior Court
Los Angeles County

Hon. H. Ronald Domnitz
Judge, Municipal Court
San Diego Municipal Court District

Hon. Judith Donna Ford
Judge, Municipal Court
Oakland-Piedmont-Emeryville
Municipal Court District

Hon. Rick S. Brown
Judge, Justice Court
Solvang Justice Court District

Mr. Christopher Crawford
Clerk/Court Administrator
South Bay Municipal Court District

Mr. Gale S. Enstad
County Clerk
Kern County Superior Court

Mr. D. Kent Pedersen
Court Administrator
San Diego County Municipal
Court District

Mr. Alan Slater
Executive Officer
Orange County Superior Court

Mr. Frank S. Zolin
County Clerk/Executive Officer
Los Angeles County Superior Court

Hon. Phil Isenberg
Member of the Assembly

Hon. Bill Lockyer
Member of the Senate

Mr. Houston T. Carlyle, Jr.
Legal Affairs Secretary
Governor's Office

Mr. James P. Fox
District Attorney
San Mateo County

Mr. Dennis E. Kottmeier
District Attorney
San Bernardino County

Mr. Glenn Mowrer
Public Defender
Santa Barbara County

Mr. Norwood A. Nedom
Chief Assistant Public Defender
Santa Clara County

Mr. Dwight E. Dickerson
Managing Attorney
Legal Aid Society of Alameda
County

Ms. Betty Wentworth Trotter
League of Women Voters of
California

Mr. Robert L. Harris
Division Manager
Pacific Gas & Electric Company
Oakland

Mr. Paul D. Fromson
Attorney at Law
Merced

Ms. Patricia Phillips
Attorney at Law
Los Angeles

Advisory Committee on Private Judges

California's justice system must explore alternative dispute resolution (ADR) programs in addition to adjudication. The Judicial Council is analyzing a variety of programs in this area, such as private judging.

Chief Justice Malcolm M. Lucas appointed the Advisory Committee on Private Judges in 1989 to identify and study public policy and operational questions arising from private judging and to make recommendations to the Judicial Council on this subject.

The committee focused its study on the interface of private judging and the public judging system. While identifying the various forms of private judging, it narrowed the scope of inquiry to the use of private judges as 1) temporary judges appointed pursuant to article VI, section 21 of the California Constitution, and 2) referees in both voluntary and involuntary references under Code of Civil Procedure sections 638 and 639.

The committee held public hearings in Los Angeles and San Francisco, hearing testimony from private judges, attorney and client users of private judges, public judges, and court clerks. It also studied written comments and other written material on private judging and heard and debated all sides of the questions on this subject.

The committee's report, released in September 1990, concluded that "private judging provides a useful dispute resolution alternative to a public system unable to provide timely civil dispute resolution services."

However, the committee acknowledged that concerns arise when constitutional or statutory authority is granted to private judges who are being compensated by the parties before them, and made a number of recommendations, including the need for further study and the gathering of statistical data on private judges.

Adopted recommendations

At its November meeting, the Judicial Council adopted most of the advisory committee's recommendations:

(1) Seek or support legislation to improve the public system's capacity to provide timely civil dispute resolution. Such legislation should provide for, at the minimum,

(a) increasing authorized and funded judicial positions;

(b) retaining experienced judges by removing the financial disincentive of requiring a continued contribution to the Judicial Retirement System after a judge becomes eligible for maximum retirement benefits, or by increasing retirement benefits for judges who continue to serve though eligible for maximum benefits;

(c) allowing retired judges serving on assignment under article VI, section 6 of the California Constitution to receive significant compensation in addition to their retirement benefits as an incentive to work in the public system after retirement.

(2) Collect statistics about the use of private judges in the courts, including the time spent by public court clerks on private cases, and study this information in cooperation with a research organization.

(3) Request staff to draft a standard of judicial administration to

(a) establish a Judicial Council policy to discourage privately paid judges from using public resources, including facilities, clerks, and summoned jurors, pending further study of private judging;

Advisory Committee on Private Judges

Dean Scott Bice, Chair
The Law Center
University of Southern California
Los Angeles

Hon. Michael Ballachey
Judge, Superior Court
Alameda County

Hon. Richard P. Byrne
Judge, Superior Court
Los Angeles County

Hon. Candace D. Cooper
Judge, Superior Court
Los Angeles County

Hon. Robert F. Peckham
Chief Judge
United States District Court
Northern District of California

Mr. John C. Argue
Chair, Los Angeles Area
Chamber of Commerce
Los Angeles

Mr. Richard Chernick
Attorney at Law
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Prof. Malcolm Feeley
Boalt Hall School of Law
University of California
Berkeley

Ms. Carole Wagner Vallianos,
President, California League of
Women Voters
Manhattan Beach

Mr. Ronald A. Zumbrun
President
Pacific Legal Foundation
Sacramento

(b) establish a Judicial Council policy to discourage the use of court seals or advertising implying that a retired judge is still an active member of a court;

(c) establish a protocol for choosing a referee under Code of Civil Procedure section 639, a method that would (i) include consideration of the parties' ability to pay and their foreknowledge of the fee arrangements, and (ii) allow litigants to choose between several referees.

(4) Pending a more in-depth study, request staff to draft interim amendments to the California Rules of Court, which would:

(a) clarify procedures for public court clerks. Specifically, (i) maintain a complete file in every proceeding, although the private judge should hold the exhibits during trial, and (ii) make available to private judges civil active lists and other information about cases only to the extent that the information is public;

(b) require proceedings to be public, with adequate notice for public attendance, subject only to limitations that also apply to cases tried in the public courts;

(c) require private judges seeking appointment to make available information on their prior cases that involved participants in the pending matter;

(d) amend rule 244 and rule 532 to provide for disqualification of temporary judges.

(5) Seek or support legislation to amend section 69844 of the Government Code to clarify that a clerk of the superior court is not required to keep minutes for private judges.

(6) Recommend to the Chairperson of the Judicial Council that a new committee be formed jointly with the State Bar to examine in depth the constitutional, ethical, and fiscal implications of private judging on the public system and to develop proposals for rules, standards, and legislation.

Advisory Committee on Court Facilities

Equal access to justice is not possible without an adequate number of court facilities capable of meeting the unique demands of today's complex judicial system. As a result, helping the state acquire appropriate courthouses and courtrooms for the 1990's and beyond is a key Judicial Council priority. The council's Advisory Committee on Court Facilities is studying ways to assess statewide courthouse requirements and the feasibility of establishing special megatrial facilities for cases with large numbers of parties and counsel. (See chapter 2 for more information about this advisory committee's activities during 1990.)

Standards for courthouse design

The 16-member advisory committee has developed design standards for construction of California trial court facilities that, when adopted by the council, will be applied throughout the state. The standards, part of a multiphase process to improve court facilities statewide, will provide guidance to courts, architects, and space planners regarding appropriate designs for modern courthouses. The development of standards was given considerable impetus by the Legislature in the summer of 1990, in particular with the inclusion of a bond issue for court construction that failed on the November 1990 ballot but would have provided monies to build or renovate courthouses.

The standards guide the construction of a courthouse from the initial planning stages to actual construction in five major categories:

- consultants;
- planning, programming, and design of new courthouses;
- circulation patterns, power and communications, security, lighting, acoustics, provisions for the handicapped, and other general considerations;
- audio, video, and electronic technology, space and sizing definitions for specific courtroom functions, and other courtroom requirements; and
- ancillary spaces, such as jury deliberation rooms, prisoner holding, and juvenile and family court facilities.

Periodic tours of court facilities throughout the state are part of the committee's strategy to understand the current status of court facilities and to incorporate appropriate design elements into the guidelines.

The standards for new court*room* construction have been circulated for statewide comment. Court*house* standards will be considered by the Judicial Council in May 1991, then circulated for statewide comment.

Criteria to determine courthouse needs

California does not have an adequate method for assessing the number of court facilities required by the state. Proposition 150, which would have made available $200 million in bond funds plus local match monies for construction and renovation projects, failed at the polls in November 1990. The current period of limited funding intensifies the state's need to determine priorities more accurately and to ensure that trial courts are not unfairly burdened. As a result, the Advisory Committee on Court Facilities has developed the following criteria, approved by the Judicial Council in December 1990, for determining the appropriate number of judicial facilities needed to serve all California residents:

- ☐ existing facility's compliance with minimum building standards;
- ☐ security issues relating to existing facility;
- ☐ extent to which court space is used exclusively for court purposes, e.g., whether other county or local functions use court facilities;
- ☐ existence of sufficient courtrooms for sitting judges and other judicial officers;
- ☐ extent to which the court currently uses temporary facilities, e.g., rented or leased facilities, or nontraditional facilities such as trailers or converted store fronts, and the extent to which the court has inefficient, widely separated permanent sites;
- ☐ extent to which funding will allow counties to fully complete court construction or renovation;
- ☐ existence of accrued courthouse construction monies (Robbins and other funds); and
- ☐ caseload and population shifts in area served by courts.

Feasibility of megatrial facilities
Among the many stresses on today's state courts is the avalanche of multiparty cases and complex litigation matters that require massive judicial resources. If courts cannot accommodate the demands placed on them by "megatrials," access to justice will be curtailed. Consequently, Senate Bill No. 2063 requires the Judicial Council to study the conceptual and legal feasibility of establishing special megatrial facilities for cases with large numbers of parties and counsel. Work in this area is expected to begin during 1991.

Advisory Committee on Court Facilities

Hon. Conrad Lee Rushing, Chair
Judge, Superior Court
Santa Clara County

Hon. Richard J. Beacom
Judge, Superior Court
Orange County

Hon. Philip M. Saeta
Judge, Superior Court
Los Angeles County

Hon. Alice A. Lytle
Judge, Municipal Court
Sacramento County

Hon. Victor Emanuel Ramirez
Judge, Municipal Court
San Diego County

Hon. Lillian Kwok Sing
Judge, Municipal Court
San Francisco County

Mr. Edward M. Kritzman
Court Administrator
Los Angeles Municipal Court

Mr. Martin J. Moshier
County Clerk/Executive Officer
San Bernardino County

Mr. Michael E. Nail
District Attorney
Solano County

Mr. Kenneth A. Pettit
County Clerk
Santa Barbara County

Ms. Margaret Scully
Deputy Public Defender
Los Angeles County

Ms. Kari Sheffield
Juvenile Court Coordinator
Orange County Superior Court

Mr. Lee Yoder
Director, Family Court Services
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Mr. Glenn A. Fait
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University of San Diego
School of Law

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CHAPTER 7

FAIRNESS IN THE COURTS

Recognizing that women as well as racial and ethnic minorities are not always treated fairly by the state court system, the Judicial Council has established special committees to ascertain the level of fairness and to institute reforms where appropriate.

The Advisory Committee on Gender Bias in the Courts completed its three-year investigation in 1990 and has submitted recommendations, which the council has approved and will begin implementing during 1991. Similar fairness issues also will be studied by the Advisory Committee on Racial and Ethnic Bias, which began its preliminary work during 1990, and the Advisory Committee on Court Interpreters, which is developing programs to increase the number of qualified court interpreters for non-English-speaking persons.

Following is a review of these activities.

Gender Bias

On November 16, 1990, the Judicial Council approved a series of recommendations designed to diminish the effects of gender bias in the state court system. The Chief Justice will appoint two committees to begin implementing the recommendations in 1991.

Originally proposed by the council's Advisory Committee on Gender Bias in the Courts, the recommendations and an extensive 650-page draft report were distributed for statewide comment early in 1990. The recommendations approved by the council included proposals relating to civil litigation and courtroom demeanor, family law, domestic violence, juvenile law, criminal law, judicial education, and court administration.

A select committee of the council reviewed the recommendations and the comments received. In its own report to the council, the select committee urged approval of all the recommendations in principle, suggested modifications and refinements, and in some cases augmented the proposals.

Advisory Committee on Gender Bias in the Courts

Hon. David M. Rothman, Co-chair
Judge, Superior Court
Los Angeles County

Hon. Diane E. Watson, Co-chair
Member of the Senate
Twenty-eighth Senatorial District

Hon. Judith C. Chirlin, Vice-chair
Judge, Superior Court
Los Angeles County

Hon. Norman L. Epstein
Associate Justice
Court of Appeal
Second Appellate District
Division Four

Hon. Lisa Hill Fenning
Court Administration
Subcommittee Chair
Judge, United States Bankruptcy
Court
Los Angeles

Hon. Judith Donna Ford
Judge, Municipal Court
Oakland-Piedmont-Emeryville
Municipal Court District

Hon. Elwood Lui
Former Committee Co-chair
Retired Associate Justice
Court of Appeal
Second Appellate District
Division Three

Hon. Alice A. Lytle
Judge, Municipal Court
Sacramento Municipal
Court District

Hon. Frances Munoz
Judge, Municipal Court
Orange County Harbor
Municipal Court District

Hon. Judith McConnell
Judge, Superior Court
San Diego County

Hon. Linda Hodge McLaughlin
Judge, Superior Court
Orange County

Hon. Sheila F. Pokras
Judge, Superior Court
Los Angeles County

Hon. Sara K. Radin
Judge, Superior Court
Los Angeles County

Hon. Brian L. Rix
Judge, Municipal Court
North (Butte) County Municipal
Court District

Hon. Fern M. Smith
Judge, United States District Court
Northern District, California

Hon. Sheila Prell Sonenshine
Associate Justice
Court of Appeal
Fourth Appellate District
Division Three

Hon. Meredith C. Taylor
Family Law Subcommittee Chair
Judge, Superior Court
Los Angeles County

Hon. Jack Tenner
Retired Judge, Superior Court
Los Angeles County

Hon. Kathryn Doi Todd
Criminal and Juvenile Law
Subcommittee Chair
Judge, Superior Court
Los Angeles County

Hon. Elihu M. Harris
Former Member of the Assembly
Thirteenth Assembly District
Mayor, City of Oakland

Ms. Juana C. Conrad
Former Court Administrator
East Los Angeles Municipal
Court District

Mr. Rene Davidson
Alameda County Clerk

Ms. Linda Herman
Past president, California League
of Women Voters
Los Angeles

Mr. Herbert M. Rosenthal
Civil Litigation and Courtroom
Demeanor Subcommittee Chair
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Dr. Norma J. Wikler, Advisor
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Mr. James J. Brosnahan
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The select committee's approval was based on the assumption that specific draft language for recommendations involving suggested court rules or standards of judicial administration would be submitted to the council in the future. The Advisory Committee on Gender Bias agreed with the subcommittee's suggested modifications. The report to the council thus represented a consensus of these two groups.

Two committees will be appointed to assist in the implementation task: One will oversee and monitor the implementation process; the second will develop educational materials, curricula, and guidelines. The council's other advisory committees also will participate.

Appointed by two Chief Justices, the Advisory Committee on Gender Bias in the Courts comprised 34 legislators, judges, lawyers, and members of the public.

The committee began its study in 1987 using a definition of gender bias that includes behavior or decision-making in the justice system that is based on or reveals stereotypical attitudes about the nature and roles of women and men; cultural perceptions of their relative worth; and myths and misconceptions about the social and economic realities encountered by both sexes.

The final report of the advisory committee will be available in 1991. Following is a summary of its approved recommendations.

Summary of approved recommendations

Civil litigation and courtroom demeanor

In the area of civil litigation and courtroom demeanor, the committee examined factors that affect the courtroom environment and the players that appear in the courtroom drama. The committee focused primarily on judicial conduct because judges control or should control courtroom interaction. This focus included an examination of the duty of judges to intervene when other participants, such as attorneys or court employees, exhibit gender-biased behavior. The committee also directly considered the conduct of other bench officers, court employees, and attorneys.

Although the committee did not propose a recommendation relating to diversity in judicial appointments, the committee concluded that this issue was of great significance. The evidence reviewed by the advisory committee supports the conclusion that substantial amelioration of the problem of gender-biased conduct in the courtroom would be accomplished if women were appointed to judicial office in greater numbers commensurate with their numbers in the legal profession and in society as a whole.

The advisory committee's recommendations on civil litigation and courtroom demeanor are:

Judicial conduct

☐ The California Judges Association should adopt a new section of the Code of Judicial Conduct that imposes the obligation on judges to perform all judicial duties without bias or prejudice, to refrain from manifesting bias, and to prevent others under the judges' control from engaging in similar conduct.

Conduct of other bench officers

☐ The Judicial Council Advisory Committee on Private Judges should consider the extension of the ethical duty regarding gender bias to private judges, and the State Bar should likewise consider its application to lawyers serving as judicial officers.

Judges and court employees

☐ The Administrative Office of the Courts should prepare a fairness manual to cover fair treatment of and appropriate behavior toward lawyers, jurors, court staff, witnesses, litigants, and others.

Informal resolution of gender bias complaints

☐ The Judicial Council should sponsor a pilot project in three counties to develop informal mechanisms for dealing with minor incidents of gender-biased conduct of judicial officers, attorneys, and court personnel.

Judicial membership in discriminatory clubs

☐ The California Judges Association should clarify the applicable section of the Code of Judicial Conduct to provide that judges *shall not* belong to clubs that practice invidious discrimination.

Attorney conduct exhibiting gender bias

☐ The State Bar should adopt a rule of professional conduct, containing an exclusion for legitimate advocacy in certain proceedings, that would create a duty for all attorneys not to manifest bias; the bar examination should contain questions relating to this new ethical duty; and the State Bar should conduct a major ongoing effort relating to the education of the bar on issues of gender bias.

Use of gender-neutral language

☐ The Judicial Council should adopt a court rule providing that gender-neutral language should be required in all local court rules, forms, and documents and by January 1, 1991, in all jury instructions.

Appointed counsel

☐ The Judicial Council should adopt a model local rule setting forth a policy on the appointment of counsel in civil cases to assure equal access for all attorneys regardless of gender, race, or ethnicity

Attorney employment

☐ The State Bar should adopt a rule of professional conduct prohibiting attorneys from discriminating in employment decisions or engaging in sexual harassment.

☐ The State Bar should take immediate steps to implement the recommendations of the bar's Women in the Law Committee concerning the employment of women lawyers submitted in its recent survey of women and the practice of law in California. These recommendations include the development of specific models for law firm management that will assist in making legal careers compatible with family life; the development of programs allowing for job-sharing, flex-time, and part-time options; the development of maternity and parental leave policies; and the creation of programs to assist in providing for and funding child care.

Attorney membership in discriminatory clubs

☐ The State Bar should use every available means permitted by the Constitution to discourage attorneys from using for business purposes clubs that practice invidious discrimination.

Family Law

The advisory committee found that issues of family law are of primary importance to the study of gender fairness in the California courts, and that gender bias affects the resolution of family law cases in both overt and subtle ways. The operation of bias in the family law system involves the following factors:

☐ The laws applicable in family law proceedings and the ways in which judges interpret and enforce them.

☐ Impediments to the neutral participation in family law proceedings of judges, lawyers, and mediators.

☐ The interaction of the components of the family law system to create delays, inappropriate allocation of court resources, and issuance of conflicting and overlapping orders that affect families.

☐ Other barriers to full and fair access to the courts for family law litigants.

☐ The need for greater information and research vital to the impartial resolution of family law cases, and the need for augmented training and education of judges.

The advisory committee's recommendations in family law are that the Judicial Council should:

Child support

☐ Fund and adopt as a top priority a study of the adequacy of child support guidelines as applied.

☐ Urge the introduction of and support legislation that would: require judges to state the factors on which they rely in setting child support awards at the minimum level; assure that children, after divorce, continue to share in the increased standard of living of the higher income parent; and extend the duration of child support to age 21.

☐ Urge the introduction of and support legislation that would amend Civil Code section 4727 so that shared custody would no longer reduce child support obligations.

☐ Request the Judicial Council Advisory Committee on Legal Forms to provide a simple application procedure for recovering childcare expenses as provided in Civil Code section 4700(b).

☐ Review compliance with the statute that requires distribution of information booklets on child support rights and duties and study whether a system of informal assistance can be created for parents seeking to collect unpaid child support.

Spousal support

☐ Monitor the operation of Civil Code section 4801(a) concerning the standard of living during marriage as a point of reference in determining spousal support and the new provisions for automatic wage assignments in spousal support awards and propose additional recommendations for reform if necessary.

Custody

☐ Fund further research on joint custody, and stress in judicial education programs the need to accord the statutory trial preference to custody cases.

Custody and child sexual abuse

☐ Provide the family law judge with confidential access to existing investigatory reports on child abuse allegations and with the power to order his or her own investigations.

☐ Adopt a model protocol for judges who resolve custody disputes involving allegations of child sexual abuse.

☐ Mandate the inclusion of child sexual abuse issues and the model protocol in judicial education programs.

Division of marital assets

☐ Request the Advisory Committee on Legal Forms to develop a simple petition form that would permit a spouse to request an accounting of the marital assets.

Family law judges

☐ Request the Advisory Committee on Family Law to examine the working conditions and educational needs of family law judges and submit recommendations to the Judicial Council for ways in which the family law assignment might be enhanced.

Family lawyers

☐ Commend this report to the attention of the State Bar and the Committee on Bar Examiners and urge that family law and gender bias issues in family law be included on the bar exam and that education on gender bias issues be required for certification as a family law specialist.

☐ Commend the report to all law school deans and urge that gender bias issues in family law be incorporated into the law school curriculum.
☐ Request the Family Law Advisory Committee to consider the issue of ensuring the right to present live testimony at hearings for temporary orders.

Mediators
☐ Include education on gender stereotypes and the relative power balance between the parties in mediator training programs.
☐ Include an ethical duty to refrain from exhibiting gender bias or other bias in the new statewide standards for mediators now being proposed.
☐ Adopt a rule of court that would require that recommendations from mediators be in writing and that bench officers state the reasons for relying on a mediator's report in making orders.
☐ Request the Family Law Advisory Committee and the Family Court Services Program to jointly study the custody evaluation process and recommend ways to improve the qualifications and professional standards of evaluators.
☐ Adopt a rule of court that would require informing the parties about mediation and the ways in which the information obtained by the mediator will be used.
☐ Adopt a rule of court that would create a simple grievance procedure for family law litigants concerning mediation.

Enhancement of family law
☐ Request the Judicial Council Court Profiles Advisory Committee to reevaluate the method of weighting family law cases to ensure an adequate number of family law judges.
☐ Amend the rule of court relating to the duties of superior court presiding judges to require the allocation of adequate judicial resources and training to family law departments.
☐ Request the Family Law Advisory Committee to develop a pilot program on delay in family law matters.
☐ Develop protocols for solving the problems resulting from overlapping jurisdiction of family, juvenile, and criminal law departments.

Access to the courts
☐ Develop a general information booklet or other educational device for family law litigants.
☐ Urge the State Bar to recognize that there is a crisis in representation in family law matters and to create a task force to focus on solutions to this problem.
☐ Support legislation that would codify existing case law on the award of attorney fees to ensure that each party has access to legal representation to preserve all of his or her rights.

Research
☐ Add staff, budget, and other resources to provide for and ensure the creation of a uniform statistical reporting system in family law as required by law and reevaluate the research priorities of the Family Court Services Program in light of the report of the Judicial Council Advisory Committee on Gender Bias in the Courts.

Domestic Violence

Because 95 percent of the victims of domestic violence are women, the judicial system's treatment of domestic violence victims and of the crime of domestic violence raises serious issues of gender bias.

The evidence gathered by the advisory committee demonstrates that when domestic violence victims seek protection from the court, they are often further victimized by the process and by their experiences within the judicial system. Despite recent legislation offering the promise of protection to victims of domestic violence, the inadequacies and inequities of the judicial system often mean that effective relief will not be granted or enforced.

The committee's recommendations address the difficulties faced by domestic violence victims who come to court or who otherwise seek legal assistance to obtain the protection that the law guarantees. They also suggest new or modified procedures and legislation to help ensure that the judicial system adequately, effectively, and fairly protects those who are battered from further abuse. These recommendations address the major areas in which domestic violence victims interact with the judicial system: seeking protective orders against future abuse, resolving child custody and visitation disputes, and participating in criminal prosecutions of batterers. Also addressed are both the difficulties domestic violence victims face in obtaining access to the courts, and particular problems that occur within various court programs and with various court personnel.

The advisory committee's recommendations on domestic violence are:

Temporary restraining orders
☐ The Judicial Council should adopt a rule of court creating statewide procedures ensuring the availability of restraining orders and providing for:

—access to orders during substantially all court hours;
—issuance of orders on the same day of application whenever possible;
—the elimination of certain preconditions to the right to apply for an order;
—the creation of simplified procedures;
—the elimination of a typing requirement;
—the accessibility of Judicial Council forms;
—the use of assigned municipal court judges to issue orders;
—the modification of notice procedures;
—the creation of expedited hearings under certain circumstances;
—the equalization of the burden of proof; and
—the assistance of support persons for victims of domestic violence.

☐ The Judicial Council should study ways to simplify restraining order procedures, including revising the forms used, translating the forms into other languages, simplifying the in forma pauperis form, revising the instrexplainuctional pamphlet, and creating a new form for orders in criminal matters as authorized by Penal Code section 136.2.

☐ The Judicial Council should adopt standards of judicial administration on hearing procedures for restraining orders in domestic violence matters that would encourage judges to explain at the beginning of the hearing the procedures for the parties and the consequences of violating a restraining order, and that would provide for the safety of the parties.

☐ The Judicial Council should adopt a rule of court that would prohibit the issuance of mutual restraining orders absent application and good cause.

☐ The Judicial Council should adopt standards of judicial administration relating to calendaring domestic violence matters that would encourage separate calendaring within the family law department, direct calendaring for actions brought under the Domestic Violence Protection Act, and scheduling of hearings when children's waiting rooms are available.

Emergency protective orders

☐ The Judicial Council should adopt a rule or a standard of judicial administration that would clarify the expiration date provided for emergency protective orders as the next day when a court is actually available to issue a restraining order.

Court safety

☐ The Judicial Council should adopt a standard of judicial administration that would encourage the use of metal detectors, parking lot escorts, safe waiting areas, and bailiffs in family law departments, departments handling domestic violence allegations, and family court services offices.

Non-English-speaking victims

☐ The Judicial Council should support legislation that would provide for the use of qualified court interpreters in domestic violence matters and would permit the use of multilingual court employees as interpreters. The council should also create a statewide registry of qualified interpreters and refer the issue of access to the courts by non-English-speaking victims of domestic violence to the proposed Advisory Committee on Racial and Ethnic Bias.

Family Court Services personnel

☐ The Judicial Council should adopt standards of judicial administration that would delineate the role of family court services in matters involving allegations of domestic violence, including issues of identifying the cases; making appropriate referrals; reporting to the family law judge; establishing statewide training, qualifications, protocols, and procedures for mediation in cases involving allegations of domestic violence; and delineating the content of the training.

Diversion

☐ The Judicial Council should adopt standards of judicial administration creating standards for the content and monitoring of diversion programs in domestic violence criminal prosecutions.

District attorneys and city attorneys

☐ The Judicial Council should transmit the report on gender bias in the courts to the offices of district attorneys and city attorneys, commend it to their attention, and emphasize the sections of the report relating to the prosecution of domestic violence matters as serious crimes, the need for vertical prosecution units, the need for training of prosecutors, and the exercise of prosecutorial discretion.

Subcommittee on Gender Bias

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Law enforcement

☐ The Judicial Council should transmit the report on gender bias in the courts to law enforcement organizations, commend it to their attention, and emphasize the sections of the report relating to the treatment of domestic violence victims, training on the issuance of emergency protective orders and other restraining orders, and the need to include domestic violence experts in training programs for law enforcement officers.

Judicial education

☐ The Judicial Council should request the Center for Judicial Education and Research (CJER) to conduct judicial education programs on domestic violence and include in the programs the following issues: the psychological profiles of victims and batterers, the cycle of violence and the battered women's syndrome, the nature of the victim's experience, the victim's response to the sometimes intimidating nature of the court system, the role of lay advocates and expert witnesses in domestic violence cases, the need to issue enforceable and effective restraining orders, the need to inform victims of the availability of emergency protective orders, the avoidance of stereotypes and the need for more focus on the problems of racial and ethnic groups and parties of low-income status, the need for monitoring diversion programs, and knowledge of safety measures that might be used to protect the victim.

☐ The Judicial Council should adopt a standard of judicial administration that would encourage the use of safety measures such as supervised visitation, neutral pick-up points, and third-party visitation or creative visitation arrangements by judges who issue custody or visitation orders in matters involving allegations of domestic violence.

Local committees

☐ The Judicial Council should adopt a standard of judicial administration encouraging each court to establish a local committee of individuals concerned about issues of domestic violence to make recommendations to the court on policies and procedures.

Special findings

In several instances, the advisory committee identified problems embedded in the substantive law that adversely affect domestic violence victims. Since traditionally the Judicial Council does not propose legislation to amend the substantive law, the committee made a limited number of "special findings" that did not result in specific recommendations. These findings are offered to make a record in those areas that may require further inquiry and curative legislative proposals.

The committee's special findings relate to the following:

☐ The need to develop alternate means of serving process in domestic violence cases;

☐ The need to mandate a waiver of filing fees in civil harassment cases involving domestic violence that do not fall within the Domestic Violence Protection Act;

☐ The need to provide court protection between the expiration of an Emergency Protective Order and the next available hearing date;

☐ The need to ensure access to the courts to economically disadvantaged litigants;

☐ The need to provide legal representation in domestic violence cases;

☐ The need to exempt domestic violence cases from mandatory mediation of custody and visitation disputes;

☐ The need to consider spousal abuse as detrimental to the best interests of the child in decisions regarding custody and visitation;

☐ The need for exceptions to the legislative policy favoring "frequent and continuing contact" in domestic violence cases;

☐ The need for alternatives to joint custody in domestic violence cases;

☐ The need for funding for alternative visitation programs; and

☐ The need for post-plea domestic violence diversion.

Criminal and Juvenile Law

In the area of criminal and juvenile law, the committee concentrated its review on the ways in which the justice system treats females as compared to males. The committee sought to determine whether there was differential treatment motivated by gender bias and whether there were instances in which certain policies and practices created a disparate, negative impact on females.

The committee began its inquiry by reviewing the policies and procedures concerning court appointments of counsel and made recommendations to help minimize the effect of gender bias. The committee then focused its attention on the ways in which the criminal and juvenile justice systems can be modified to avoid unequal treatment based on gender, while recognizing inherent differences between males and females and the special needs of females brought into the system.

During the course of its inquiry, the committee found that gender bias does affect the ways in which the criminal and juvenile courts operate both directly and indirectly.

The advisory committee's recommendations on criminal and juvenile law include:

Appointed counsel

☐ The Judicial Council should adopt a model rule requiring formal written policies and statistical reporting of fee-generating court appointments to ensure equal access for attorneys regardless of their gender, race, or ethnicity.

Local probation programs

☐ The Judicial Council should recommend that local probation departments responsible for implementing criminal and juvenile court decisions:

—make sentencing and dispositional alternatives available on an equivalent basis for males and females; and
—provide space suitable for parental visitation in residential programs administered or supervised by local probation departments.

☐ The Judicial Council should adopt Standards of Judicial Administration encouraging each judge presiding over criminal and juvenile proceedings to become familiar with and consider sentencing and dispositional alternatives and programs available through local probation departments.

Institutions and placements

☐ The Judicial Council should recommend that local and state agencies responsible for implementing criminal and juvenile court decisions make adult and juvenile facilities, used for detention, disposition, or sentencing, available on an equivalent basis for males and females.

☐ The Judicial Council should adopt standards of judicial administration encouraging each judge presiding over criminal and juvenile proceedings to become personally familiar with all juvenile and adult detention facilities, placements, and institutions used by the court for males and females.

Education and training programs

☐ The Judicial Council should recommend that local and state agencies responsible for implementing criminal and juvenile court decisions make education and training programs available on an equivalent basis for males and females. Education and training programs should include: basic education courses, vocational training without traditional gender classifications, health education, parenting programs, and drug and alcohol rehabilitation programs.

☐ The Judicial Council should adopt standards of judicial administration encouraging each judge presiding over criminal and juvenile proceedings to become personally familiar with the educational and training programs available for males and females in local and state-operated facilities.

Reporting requirements

☐ The Judicial Council should amend the rules to: require all judges hearing juvenile and criminal matters to report to the presiding judge consistent and unreasonable inequalities in sentencing and disposition alternatives, facilities, or education and training for adult and juvenile offenders; and require the presiding judge to alert the Administrative Office of the Courts to any deficiencies reported.

Special needs of institutionalized females

☐ The Judicial Council should recommend that local and state agencies responsible for implementing criminal and juvenile court decisions develop protocols that recognize the specific needs of institutionalized females. The protocols should address the provision of:

—adequate and appropriate clothing designed for the female anatomy;
—personal hygiene products related to the menstrual cycle;
—hardware and shackles amenable to the female form;
—pregnancy-related housing and job assignment issues; and
—programs and services that reduce any differential effect on female offenders who have infants and young children by offering continuing contact and visitation for mothers and their children.

☐ The Judicial Council should adopt standards of judicial administration encouraging each judge presiding over criminal and juvenile proceedings to become familiar with the protocols.

Medical needs of institutionalized females

☐ The Judicial Council should recommend that local and state agencies responsible for implementing criminal and juvenile court decisions develop protocols requiring appropriate medical services for institutionalized females, including: gynecological care; pregnancy-related services, including pregnancy screening, special diet, prenatal and perinatal care, appropriate housing, access to abortion, transportation to medical care, and emergency care; medically supervised drug detoxification programs; and voluntary, confidential AIDS testing.

☐ The Judicial Council should adopt standards of judicial administration encouraging each judge presiding over criminal and juvenile proceedings to become familiar with the protocols.

Sexual assault and harassment

☐ The Judicial Council should recommend that local and state agencies responsible for implementing criminal and juvenile court decisions implement policies and procedures to ensure that inmates and detainees in adult and juvenile facilities are safe from sexual harassment and assault by others.

Parental ignorance of dependency law

☐ The Judicial Council should develop informational materials on dependency law and procedure, including a brochure and video, for institutionalized parents.

☐ The Judicial Council should amend the juvenile court rules to require that the informational brochure be given to parents in court.

☐ The Judicial Council should recommend that local and state agencies responsible for implementing criminal and juvenile court decisions disseminate the informational brochure and use the video in their institutional facilities.

Notice to parents

☐ The Judicial Council should propose legislation to implement protocols for state and local agencies responsible for inmates and detainees to notify and secure the presence of parents at dependency-related, delinquency, and termination of parental rights proceedings.

☐ The Judicial Council should adopt standards of judicial administration encouraging each judge presiding over criminal and juvenile proceedings to become familiar with the procedures for obtaining the release and return of institutionalized parents.

☐ The Judicial Council should adopt a notice and proof of service form for institutionalized parents.

Enhancing status of juvenile court

☐ The Judicial Council should refer to its Advisory Committee on Juvenile Court Law for study and recommendations:

—reevaluation of weighted caseload measures to reflect complexities of juvenile court law and multiple hearings;
—judicial assignment procedures and facilities; and
—methods to enhance the status of juvenile court and judicial assignments.

Judicial training

☐ The Judicial Council should adopt standards of judicial administration encouraging the Center for Judicial Education and Research and local courts to develop training and standards on gender bias in criminal and juvenile law, and in trial and jury selection in matters involving sexual assault, domestic violence, and child abuse.

☐ The Judicial Council should adopt a standard of judicial administration on the examination of prospective jurors in criminal cases to include questions to probe gender bias in jurors in cases involving sexual assault, domestic violence, and child abuse.

Court Administration

The committee found that the potential for gender bias to affect internal court administration is unnecessarily high in California because the system of 229 separate courts lacks unified statewide standards incorporating modern personnel practices. The lack of comprehensive personnel plans in every court acts as a detriment to the high percentage of female employees in the lower-paid echelons of the court system workforce. Instituting modern management practices, in conjunction with county officials if at all possible, will substantially reduce the opportunity for bias to play a part in court administration.

The committee recommends that:

Personnel plans

☐ The Judicial Council should amend rules to mandate written court personnel plans and adopt a standard of judicial administration outlining the elements of such a plan.

Elements of personnel plans

☐ The standard of judicial administration should urge courts to include within the personnel plan: (a) sound and equitable salary-setting procedures; (b) revised job classifications and titles; (c) criteria and standards for promotion; (d) performance evaluation procedures; (e) affirmative action plans; (f) training schemes for all levels of employees; (g) sexual harassment policies; (h) grievance procedures for sexual harassment and other discrimination; (i) guidelines for appropriate professional behavior; and (j) alternative work schedules, guidelines for pregnancy, parental, and other leaves, and other employee benefits such as use of pretax dollars for dependent care expenses.

Compliance with personnel plans

☐ The Judicial Council should amend rules to require that every judge comply with the court's personnel plan.

Assistance of the Administrative Office of the Courts

☐ The Judicial Council should instruct the Administrative Office of the Courts to: help the courts develop these personnel plans; develop a method for collecting information on court personnel plans and monitor the effectiveness of these plans on an ongoing basis; and act as a resource to provide courts with personnel plan models and special training on gender bias and other subjects.

Employee training and policies

☐ The Judicial Council should amend rules to provide that the presiding judge shall evaluate the training programs and policies about gender fairness and sexual harassment available for county clerk employees, bailiffs, probation officers, and other regular courtroom participants to see if these individuals should be asked to attend the training offered by the court on these subjects.

Judicial leave policy

☐ The Judicial Council should amend rules to establish a judicial leave policy, covering pregnancy-related leave and parental leave as well as other leave needs.

Employee childcare

☐ The Judicial Council should charge its Facilities Advisory Committee with developing a way for courts and counties to ameliorate the problem of finding quality and affordable childcare for all court employees near where they work.

Children's waiting rooms

☐ The Judicial Council should request the Facilities Advisory Committee to make the creation of waiting rooms for children of court participants a priority issue.

Law school teaching and employment practices

☐ The Judicial Council should transmit its report to law school deans and urge that they consider developing written policies and other programs to provide grievance procedures and discipline for sexual harassment and to eliminate gender bias in: (a) classroom interactions, casebooks, and course materials; (b) hiring, promotion, and tenure decisions; and (c) on-campus recruiting.

☐ The Judicial Council should urge that the State Bar and Committee of Bar Examiners meet with the law school deans to ask them to include gender and other fairness issues in the professional responsibility courses and include in trial practice courses an examination of the way in which gender bias can taint expert testimony, cross-examination, interpersonal conduct between attorneys, jury selection, and juror use.

Implementation and Judicial Education

Implementation

☐ The advisory committee concluded that to ensure institutionalization of the other recommended changes, a monitoring and liaison committee should be created. The task of the monitoring committee would be to act as a liaison to other groups charged with the responsibility of carrying out specific recommendations, draft and solicit comment on those proposals that are not referred to other agencies or committees, and provide technical assistance and evaluation to all groups engaged in the enterprise of ensuring implementation of the committee's recommendations as approved by the Judicial Council. In the committee's view, without an implementation committee, the likelihood that the recommendations will come to fruition is lessened.

Judicial education

☐ The committee further found that judicial education is widely perceived as fundamental to correcting problems of gender bias. Attorneys and experts who testified at the various hearings conducted by the advisory committee supported increased judicial education on issues of gender bias. Judges themselves cited judicial education as the most effective remedy for curing problems of gender bias in the courts.

The committee determined that to be effective, judicial education on gender bias issues must be introduced and integrated into the curriculum as follows:

a. A curriculum must be developed that is integrated into the substantive areas of the law that are already taught so that an educational program is not focused on gender bias alone.

b. Innovative and creative teaching techniques should be developed to counter the resistance of judges encountered by those who serve as teachers on these issues.

c. Information from the social sciences must be included where appropriate so that judges profit from the important research that has been done in the areas of concern and become more knowledgeable about the different life experiences that men and women have in our society.

d. In certain specific areas, most notably in family law, the model of voluntary education must yield ultimately to required courses for all judges who hear matters in these crucial areas.

The advisory committee recommendations on implementation and judicial education are:

☐ The Judicial Council should request appointment of an implementation committee to ensure that the recommendations contained in the report on gender bias in the courts are effectuated and to evaluate their effectiveness.

☐ The Judicial Council and the Center for Judicial Education and Research should develop a comprehensive program for judicial education on gender bias that would include the following elements:

—encouragement of attendance at the California Judges' College;
—inclusion of gender bias issues in all programs for new judges and in substantive law courses;
—creation of a special committee to develop curriculum in family law and to propose a program designed to ensure that every bench officer who hears family law matters will be educated in family law and gender bias issues in family law;
—creation of a committee to coordinate efforts to develop quality educational programs on gender bias and other biases and to provide technical assistance and resources to those engaged in this effort; and
—development of a program that would train faculty on the subtleties of handling gender bias courses and train them in effective and innovative teaching methods.

Racial and Ethnic Bias

Chief Justice Malcolm M. Lucas in 1989 announced the appointment of an advisory committee to study racial and ethnic bias in the state court system. In taking this step, the Judicial Council became a member of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts.

The consortium, which met in February 1989, includes eight states, the District of Columbia, and Nova Scotia, and has explored several important themes. Among them are: public perceptions of fairness or lack of fairness in the judicial system; minority access to the state court system as appointed counsel, members of the judiciary, and parties to litigation; the criminal justice system and the impact of prosecutorial discretion or judicial discretion; and minority employment in the state court system.

The consortium concluded that in cases where the existence of bias is well recognized or well documented, a state task force need not formally prove the existence of bias before beginning to implement reforms. It also concluded that an educational program that focuses on cultural differences and influences may be an appropriate starting point. However, an educational program would not preclude research or programs in other areas.

The consortium identified many critical areas for study, including the special concerns of minority women; the disproportionate ratio of minorities among prison populations and under the control of various facets of the criminal justice system, such as probation, parole, bail, etc.; the underrepresentation of minorities in the legal profession and in upper court management; and the lack of programs to increase minority participation in all aspects of employment within the state court systems.

Advisory Committee on Racial and Ethnic Bias

Hon. Allen E. Broussard, Co-chair
Associate Justice
California Supreme Court

Hon. John Arguelles, Co-chair
Associate Justice, retired
California Supreme Court

The consortium recommended the establishment of a working group comprising a racially and culturally diverse mix of judges, attorneys, and academics. This group met in July 1990 and suggested goals for the California Advisory Committee on Racial and Ethnic Bias to consider. They include: ascertaining public perceptions of fairness or lack of fairness in the judicial system; making recommendations on reforms and remedial programs, based on the problems and issues brought to the attention of the committee; and developing an educational program on cultural diversity for judges, court personnel, and others.

During 1991, the committee will begin statewide public hearings. In addition, a survey will be designed to investigate the status of minority access to the courts.

Court Interpreters

The Chief Justice also appointed a new advisory committee in 1990 to propose and help implement a comprehensive program that will increase the number of qualified court interpreters for non-English-speaking persons in California.

Highlights of this committee's preliminary goals for 1991 and beyond include the following:

☐ *Increasing access of non-English-speaking persons to the courts*

The committee will work toward ensuring early identification of the need for an interpreter, improving the quality of interpreting, and increasing the number of available qualified interpreters. The committee also will identify language bias issues and collaborate with the Advisory Committee on Racial and Ethnic Bias.

☐ *Developing interpreter training and certification programs*

To increase the availability of qualified interpreters, the advisory committee plans to develop a comprehensive program that includes recruiting, training, testing, certification, renewal of certification, and continuing education and evaluation. The committee plans to conduct regional workshops for interpreter training. These programs will require statutory changes and a commitment of state and local resources.

☐ *Administering interpreter resources*

The committee will pursue programs to ensure that courts and small counties receive assistance in obtaining adequate interpreters and in developing procedures for hiring and assigning interpreters.

☐ *Conducting statistical study*

No study has been made of interpreter need and use for more than 10 years. Recent legislation requires the Judicial Council to conduct a study and report to the Legislature by January 1, 1992 (Stats. 1990, ch. 1108; Assem. Bill No. 3679).

☐ *Recording interpreted proceedings*
No requirements or provisions exist for recording interpreted proceedings in order to determine the qualifications of interpreters. The advisory committee will propose and design a pilot project for creating a record for appeals.

☐ *Evaluating interpreter performance*
The committee plans a pilot project to establish at the state and local levels independent evaluation criteria of interpreter performance in the courts.

☐ *Using technology to provide interpreters*
The committee will investigate technologies that can help courts reduce the number of interpreters required and thus keep costs down. For example, FM broadcast systems allow one interpreter to interpret for several persons. Telephone systems allow an interpreter to interpret for a court in a distant city.

☐ *Certifying interpreters for the hearing impaired*
Recent legislation requires the Judicial Council to approve by the end of 1991 testing agencies that certify court interpreters for the hearing impaired (Stats. 1990, ch. 1450; Sen. Bill No. 2046). The committee will assist with this project and also plans to investigate other issues involving interpreters for the hearing impaired.

☐ *Training judges, attorneys, and court personnel*
The committee plans to develop training programs and materials for judges, attorneys, and court personnel. It also plans to work in conjunction with legal training and educational organizations.

☐ *Proposing legislation*
The committee will propose comprehensive revisions in the statutes governing interpreter use and establishing the current court interpreters program to coordinate all of the elements essential to providing qualified interpreter services—recruiting, training, testing, certification, and continuing education and evaluation.

Advisory Committee on Court Interpreters

Hon. Arthur Gilbert
Chair
Associate Justice
Court of Appeal
Second Appellate District
Division Six

Hon. Gilbert Nares
Vice-chair
Associate Justice
Court of Appeal
Fourth Appellate District
Division One

Hon. Ernest Borunda
Judge, Municipal Court
South Bay Municipal Court District

Hon. Ronald E. Quidachay
Judge, Municipal Court
San Francisco Municipal
Court District

Hon. Armando O. Rodriguez
Judge, Municipal Court
Consolidated Fresno Municipal
Court District

Mr. Norbert Chu
Deputy District Attorney
Alameda County

Mr. Carlos A. Gaudy
President
California Court Interpreters
Association

Ms. Sara Krauthamer
Court Interpreter
Monterey Park

Mr. Adolfo D. Lara
Head Deputy Public Defender
Los Angeles County

Ms. Holly Mikkelson
Court Interpreter
Spreckels

Ms. Hanne R. Mintz
Linguistics Specialist
Northridge

Ms. Victoria J. Norman
Court Interpreter Program
Coordinator
Sacramento

Ms. Jean Pennypacker
Criminal Courts Coordinator
Santa Clara County
Superior Court

CHAPTER 8

ADVANCES IN COURT ADMINISTRATION

1990 saw important progress in most areas of court administration. The year's accomplishments include Judicial Council approval of a proposal submitted by the Advisory Committee on Local Court Rules that outlines a plan for eliminating unnecessary variations in local court rules, practices, and procedures. Also, the Judicial Council adopted uniform standards of practice governing court-connected mediation of child custody and visitation disputes. Standards of practice are set to define what participants can expect and to provide a means of evaluating the performance of professionals and the quality of services. The new uniform standards are based on the assumption that mandated court mediation programs should provide families with the highest levels of impartiality and competency.

An increasing awareness of the need for more judicial resources and the lack of judges available to serve the courts on assignment created a receptive climate for instituting significant changes in the judicial assignments program during 1990. Among the highlights was implementation of two new major programs: the Certified Justice Court Judge Program and the Centralized Payment of Assigned Judges Program. Other significant changes included passage of legislation to create a "contract judge" program and to permit retired judges who serve on assignment to earn the maximum salary in a shorter period of time.

Also in 1990, the Advisory Committee on Voir Dire continued to draw valuable insights from ongoing monitoring of jury selection efficiency and of conviction rates in the 23-month pilot project that has tested a limited degree of judicial voir dire in criminal cases. In addition, as required by law, the Judicial Council studied the statutory sentences and the operation of existing criminal penalties during 1990. Its findings are reported to the Governor and the Legislature in this chapter.

Coordination of civil actions is another important activity designed to prevent multiple trials and inconsistent results and to promote the efficient use of judicial resources. The council's chair received 110 petitions for the coordination of civil actions during 1990.

The council also approved new forms and revised others for mandatory and optional use in the state courts, and it adopted new rules and new Standards of Judicial Administration.

Following are details of the council's initiatives and activities during 1990.

Advisory Committee on Local Rules

The Advisory Committee on Local Rules was appointed in 1988 to eliminate unnecessary variations in local court practices and procedures, a top priority of the Judicial Council. In 1990, the advisory committee recommended legislative action to help standardize local court rules. The council approved the proposal and recommended that the Legislature repeal Government Code section 68071 and amend sections 68070 and 68072 to require the Judicial Council to specify how local courts may adopt local rules and when they may take effect.

Committee's methodology

After determining the role of local rules and subjects for study and recommendations, the advisory committee issued a request for comment and reviewed the local rules of each court. It also held two public forums to gather information about the role of local rules. The first was held at the 1989 State Bar Annual Meeting, co-hosted by the State Bar Litigation Section, where various attorneys and representatives of attorney groups made presentations to the committee.

At the second public hearing, which was held at the 1990 Court Management and Presiding Judges Conference and sponsored by the Judicial Council, the committee held an informal round-table discussion with judges and court administrators and distributed a draft of the proposal from the Publicity and Procedure Subcommittee.

The committee also adopted a mandate and established six subcommittees to study civil rules. Family law, probate, and trial court delay reduction local rules were excluded because other groups already were investigating these areas.

The six subcommittees are:

Arbitration Subcommittee

Having collected and analyzed the local procedures on arbitration, this subcommittee began considering arbitration rules to recommend to the full committee and council. Its report is scheduled to be circulated for comment in early 1991, with a recommendation to the council in spring 1991.

Civil Trial Subcommittee

In analyzing local rules concerning trial conduct, this subcommittee is reviewing not only courtwide local rules but also various "local-local" rules adopted by judges for use in their particular courts.

The subcommittee has completed its initial analysis and made a preliminary decision about matters appropriate for statewide standardization. Its report will be considered by the full committee following the receipt of comments. A recommendation to the council will be made in 1991.

Form and Format of Papers Subcommittee

This subcommittee is studying rules concerning the form and format of papers, a topic that in many ways goes to the heart of the local rules issue. On the one hand, a paper an attorney attempts to file in court may be rejected due to failure to follow the local form and format rule. On the other hand, a court may have adopted a form and format rule because of a particular paper-handling system in the clerk's office.

The information-gathering phase of this subcommittee's work has been completed, but the compilation of areas appropriate for statewide uniformity was hampered by a turnover in the subcommittee membership that since has been resolved. A proposal from this subcommittee is scheduled to be circulated for comment in 1991, and a report to the Judicial Council is expected in the fall of 1991.

Law and Motion Subcommittee

Concerned with civil law and motion procedures, this subcommittee developed and circulated for comment a list of subjects to replace conflicting local procedures with statewide uniform rules. After reviewing public comments, the subcommittee proposed statewide law and motion rules in appropriate areas. These proposals will be circulated for comment in early 1991 with a report to the council planned for spring 1991.

Pretrial Procedures Subcommittee

Studying the various procedures courts apply to cases between the time of initial filing and the time of trial or setting for trial is the primary focus of this subcommittee. It circulated for comment a proposal to adopt a single, uniform, statewide at-issue memorandum. The subcommittee is considering public comments on this and other pretrial matters, including uniform scheduling, uniform format of pretrial and trial-setting documents, and trial setting.

Publicity and Procedure for Adoption Subcommittee
This subcommittee's work differs from that of the other subcommittees in that it is not concerned with particular subject areas for local rules but rather with statewide procedures for adopting such rules. The subcommittee completed its initial work, and the council has adopted its recommendation for rule changes and is sponsoring legislation to implement the recommendation.

Rule adoption proposal
This recommendation significantly modifies the procedures for local rule adoption in two ways. First, it sponsors legislation to repeal Government Code section 68071, which reads:

> No rule adopted by a superior, municipal, or justice court shall take effect until the January 1 or July 1, whichever comes first, following the 30th day after it has been filed with the Judicial Council and the clerk of the court, and made immediately available for public examination. However, the court may specify an earlier effective date if the presiding judge certifies to the Judicial Council that it is necessary for the rule to take effect earlier.

This provision would be modified and transferred to rule 981.

The sponsored legislation also would amend Government Code sections 68070 and 68072 to permit the Judicial Council to adopt rules governing the adoption and publication of local rules, including the time they take effect.

Second, the sponsored legislation would amend, effective July 1, 1991, rule 981 to provide that:

- ☐ the rule applies to all local rules, policies, and procedures, however denominated, except matters relating to the internal operating procedures of the court;

Advisory Committee on Local Rules

Hon. Richard H. Breiner, Chair
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Marin County

Hon. Robert K. Byers
Judge, Superior Court
Alameda County

Hon. James P. Darrah
Judge, Superior Court
San Joaquin County

Hon. Richard McMechan
Judge, Superior Court
Mariposa County

Hon. Robert H. O'Brien
Judge, Superior Court
Los Angeles County

Hon. A. Rex Victor
Judge, Superior Court
San Bernardino County

Hon. Roger K. Warren
Judge, Superior Court
Sacramento County

Hon. H. Ronald Domnitz
Presiding Judge, Municipal Court
San Diego Municipal Court District

Hon. C. Randall Schneider
Judge, Municipal Court
Santa Clara County Municipal Court District

Mr. William F. Brown
Court Administrator
Sacramento Superior Court

Ms. O. Karla Olsen
Court Administrator
Glendale Municipal Court

Ms. Tressa Sloan-Kentner
Court Executive Officer
Sonoma Superior Court

Ms. Kathryn J. Burke
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Mr. Anthony Ching
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Mr. Robert Harold Fairbank
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Ms. Carol L. Healey
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Mr. William R. Jackson
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Ms. Elizabeth McDaniel
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Ms. Sandra J. Shapiro
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Mr. Ernest John Getto
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Mr. William Wegner
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- ☐ each court must make its local rules available for inspection and copying in every court location that generally accepts filing of papers;
- ☐ each court is the official publisher of its local rules unless it designates an alternative publisher. All courts in a county using a commercial publisher must use the same official publisher;
- ☐ the Judicial Council will collect and publish, at least annually, information concerning publishers;
- ☐ the number of copies of rules filed with the Judicial Council is increased from 60 to 75 to accommodate the extra copies the council currently mails to publishers of the local rules;
- ☐ the court must submit a statement, when it files its local rules, that it has complied with the applicable provisions of rule 981;
- ☐ the Judicial Council will reject the filing of rules not in compliance with rule 981;
- ☐ the clerk of each court shall notify the Judicial Council of where local rules that are filed with it (or with the law library) are maintained for public inspection;
- ☐ rules exceeding five pages in length must be indexed;
- ☐ proposed local rules (except time of hearing and similar calendaring matters) must be distributed for comment to various organizations within a 100-mile radius of the county seat at least 30 days prior to their adoption; and
- ☐ each court must review its local rules on a periodic basis to remove invalid, outdated, and unnecessary rules.

If the proposed legislation is adopted, the council plans to further amend rule 981 to provide that local rules can take effect only on January 1 or July 1, unless the court files a declaration of reasons explaining why another effective date is needed and the Chief Justice authorizes the new date.

Advisory Committee on Voir Dire

In 1987, the California Legislature enacted Penal Code section 1078(b)–(d)[1] to create a pilot project testing a limited form of judicial voir dire in criminal cases in the superior courts of Fresno and Santa Cruz Counties between July 1, 1988, and June 30, 1991. The bill specified that during the pilot project period, all questions "designed solely for assisting in the intelligent exercise of the right to peremptory challenge and not applicable to the determination of implied or actual bias, shall be propounded by the court."

In addition, the legislation called for standardized questions to be developed by a Task Force on Voir Dire for propounding by the court. It also required the Judicial Council, on or before January 1, 1992, to report to the Legislature on how the pilot project affected the efficiency of jury selection and the conviction rate for particular crimes.

In 1988, the Legislature recodified the pilot project provisions. It also added new Code of Civil Procedure section 223, giving the court discretion to conduct the entire examination of prospective jurors in criminal cases. The partial court control of voir dire under the pilot project was thereby superseded.

After the task force completed its work in June 1988, Chief Justice Malcolm M. Lucas asked all members to serve on the new Judicial Council Advisory Committee on Voir Dire. The principal charge of the committee was to monitor the pilot project and to assist the Judicial Council in preparing its report under former Code of Civil Procedure section 223.5.

To strengthen the committee's connection to the pilot project courts, the Chief Justice also appointed a judge, a court administrator, and a public defender from Fresno County, along with the court administrator from Santa Cruz County Superior Court.

The committee concentrated on two tasks: reviewing data reports on the time for voir dire and disposition of criminal cases, and collecting anecdotal information through the questionnaire developed by the task force and through the experience of committee members.

Case comparisons

During the 23-month pilot project, the advisory committee compared the jury selection efficiency (the time required for voir dire and for the trial itself) in current cases with the efficiency in cases during the 18-month period just before the pilot project began.

The committee also compared conviction rates for particular crimes during the pilot project with rates during a similar prior period in each court. Because the breakdown of cases according to particular crimes resulted in only a few cases in most crime categories, the committee could only meaningfully compare the project's effect on conviction rates for crimes in general.

Efficiency in jury selection

The committee compared the average maximum and minimum times for voir dire and trial for cases before and during the pilot project. In the Fresno County Superior Court, no significant change could be observed between the 240 cases before the pilot project period and the 330 cases during the period.

An average reduction of two hours in trial time occurred. Of this, one hour was attributable to a shorter voir dire. Interestingly, the one hour appeared to be saved because the judge's voir dire time was reduced, contrary to initial expectations that greater judge control would increase court voir dire time.

In the Santa Cruz County Superior Court, too few cases were available to determine whether the reduction of voir dire time from 13 to 5 hours, and overall trial time from 46 to 21 hours, could be attributed to pilot project procedures.

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1 Stats. 1987, ch. 1211, § 47.2.

Impact on conviction rates

Grouping cases according to particular types of crimes produced only a few cases in most crime categories. Because of its relatively small size, the Santa Cruz court[2] tried only 79 criminal cases during the 23-month pilot project period. The most cases in any one category totaled 17 for Health and Safety Code section 11352 (sale, transportation, etc., of designated controlled substances), a number not significant enough to appraise the pilot project's impact on the conviction rate for this crime.

The cases tried in the Fresno court during the pilot project also were limited when dispersed among most crime categories. Changes between the periods before and after the project are evident, but the numbers are too insignificant to draw reliable conclusions.

The collective results are most meaningful. In the Fresno court, the outcome of trials in each category during the pilot project was within a single percent of the prior period, with the exception of hung juries, which increased approximately 74 percent, and mistrials, which decreased 42 percent.[3]

In the Santa Cruz court, no meaningful pattern was evident. While guilty verdicts declined 8 percent, not-guilty verdicts dropped 17 percent. Hung juries increased by 71 percent. However, when the percentages of hung juries and not-guilty verdicts during the pilot project are combined, their sum, 31.7 percent, is essentially the same as the 29.6 percent combination before the pilot project.

Perceptions of attorneys and judges

Committee members from the Fresno and Santa Cruz County Superior Courts, as well as attorneys and judges who had cases in the pilot project, reported that pilot project procedures had little impact on the time for voir dire and trial or the conviction rates. This was partly related to the practices of judges before the pilot program. For example, in Fresno County Superior Court, where judges tend to be very active in the jury selection process, pilot project procedures were not much of a departure from their usual procedures.

The experiment focused attorneys' attention on ways of making voir dire more efficient, such as use of the pre–voir dire conference and juror questionnaires. The former tended to save time by resolving issues concerning jury selection in advance of voir dire. The questionnaires also saved time, in appropriate cases, by supplying counsel with basic juror information before selection began.

Results inconclusive

The relatively small size of the courts participating in the project and the limited judge control over questions designed for peremptory challenge do not show a clear impact on the efficiency of jury selection and the conviction rate for particular crimes.

A more meaningful test was mandated by Proposition 115, which gives judges discretion to conduct voir dire exclusively on their own, a procedure that appears to produce substantial time savings for the courts. However, it is too soon to determine the effect of the new procedure on conviction rates for particular crimes, or for crimes generally.[4]

Procedure for Drafting Standardized Questions

Former Penal Code section 1078(c)[1] created an eight-member Task Force on Voir Dire to draft standardized questions that would assist in the intelligent exercise of the right to peremptory challenge, to determine bias.

Task force members tested questions by posing them to fellow members, who tried to find cause elements. Many questions clearly related to peremptory challenge were rejected after failing this test. Altogether, 29 standardized questions were developed.

Five questions that related to ability to serve, prior court experience, and group decision-making experience were posed to the panel collectively.

Individual questions concerned prior jury service, residence, marital status, occupation of the prospective juror and his or her (former) spouse, children and their occupations, occupations of other adults in the home, education, and hobbies and interests.

1 Succeeded by former Code Civ. Proc., § 223.5(b).

2 The Santa Cruz County Superior Court has five judgeships. The Fresno County Superior Court has 17.

3 In a number of cases the degree of the crime charged was not indicated.

4 The Judicial Council has adopted rules and standards of judicial administration to implement the voir dire provisions of Proposition 115 and otherwise promote fair and efficient jury selection procedures.
California Rules of Court
Rule 228.1 Pre–voir dire conference in criminal cases (superior court)
Rule 228.2 Supplemental examination of prospective jurors in criminal cases (superior court)
Rule 516.1 Pre–voir dire conference in criminal cases (municipal and justice courts)
Rule 516.2 Supplemental examination of prospective jurors in criminal cases (municipal, justice courts)
Standards of Judicial Administration
Sec. 8.6 Uninterrupted jury selection
Sec. 8.7 Matters relevant to counsel participation in jury selection in criminal cases
Sec. 8.8 Judicial education relating to voir dire

Advisory Committee on Voir Dire

Hon. Ronald M. George, Chair
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Division Four

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Judge, United States District Court
Central District of California
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Hon. Christopher C. Cottle
Associate Justice
Court of Appeal
Sixth Appellate District

Hon. James L. Quaschnick
Judge, Superior Court
Fresno County

Hon. Carol A. Corrigan
Judge, Municipal Court
Oakland-Piedmont-Emeryville
Municipal Court District

Mr. Lawrence P. Biggam
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Mr. Arthur Danner III
District Attorney
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Mr. Edward W. Hunt
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Ms. Christine Patton
Court Administrator
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Mr. Jose Villareal
Public Defender
Fresno County

Mr. Fred Yamamoto
Executive Officer/Jury
Commissioner
Superior Court
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Mr. Arne Werchick
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Sausalito

Uniform Standards for Child Custody Mediation

California superior courts have offered mandatory mediation for child custody and visitation disputes since January 1, 1981. While standards for mediator qualifications and other areas were identified by the enabling legislation, comprehensive uniform standards of practice were not.

New uniform standards of practice governing court-connected mediation of child custody and visitation disputes were adopted by the Judicial Council in 1990 and were added as section 26 of the Standards of Judicial Administration, effective January 1, 1991 (see outline on next page).

The standards were developed through a process of collaboration, which included four task forces and four regional hearings. Consultation was sought from professionals from the bench, the bar, the mediation community, the Gender Bias Task Force, and other agencies and community organizations with an interest in court-connected mediation.

1990 was the ninth year of California's mandatory child custody mediation program. In 1991, the following projects will be undertaken:

- ☐ Establish comprehensive statewide uniform statistical reporting for child custody mediation and evaluation activity for both case profiles and service activity
- ☐ Implement new uniform standards of practice for court-connected child custody mediation
- ☐ Continue statewide education programs for child custody mediators, evaluators, and administrators
- ☐ Continue audio and video educational programs for family court staff, bench officers, and clients similar to the recently completed Spanish language video for mediation clients. Projects to be completed include an English-language video for orienting clients and four management training videos
- ☐ Continue producing publications for use in Family Court Services, including a survey of procedures for cases in which domestic violence is an issue, and several research reports
- ☐ Continue the Family Court Services Research Grant Program, including release of three grant reports

Outline of Standards of Practice Adopted January 1, 1990

The uniform standards of practice cover the following activities and responsibilities:

Superior court responsibility for mediation services
- ☐ support of the bench and the bar
- ☐ adequate staffing and compensation
- ☐ suitable facilities and equipment
- ☐ establishment of realistic workloads
- ☐ administration and supervision by the superior court

Orientation of mediation parties
- ☐ premediation education
- ☐ use of a detailed intake form
- ☐ informing parties how information exchanged in mediation will be/will not be used
- ☐ written description of the above process
- ☐ bilingual considerations

Responsibilities regarding ethics and sensitivity to differences
- ☐ conflict of interest
- ☐ parenting plan
- ☐ sensitivity regarding gender bias, ethnic and cultural diversity
- ☐ maintenance of client confidentiality

Minimum qualifications of mediators

Training and continuing education
- ☐ areas of training
- ☐ on-the-job training, newly hired mediators
- ☐ supervisory qualifications
- ☐ minimum hours of additional training each year

Responsibilities regarding best interest of the child
- ☐ principles inherent in best interest
- ☐ reduction of parental acrimony
- ☐ integration of best interest with the parents' circumstances, rights, and responsibilities
- ☐ mediator discretion to bypass or suspend mediation

Facilitating the family's transition
- ☐ list of mediator tasks
- ☐ areas to consider

Equalizing the power relationship between the parties
- ☐ continuing vigilance
- ☐ when to continue mediation
- ☐ when to terminate mediation
- ☐ conditions for separate sessions
- ☐ understanding the parenting plan
- ☐ additional information and assistance
- ☐ safety

Concluding mediation
- ☐ reporting to counsel for the parties
- ☐ explanation to parties about the next steps
- ☐ returning to mediation if private negotiations stall or fail

Program accountability
- ☐ follow-up assessment plan

Annual Report on Sentencing Practices

Between 1986 and 1990, felony drug law convictions doubled and crimes against persons jumped 31 percent in California.

Drug case increases varied around the state. The most dramatic rise, a tripling of the number of cases, occurred in the combined Third and Fifth Appellate Districts, covering the Central Valley and the northeast part of the state. This region has seen a 256 percent increase in such cases since 1986.

California Penal Code section 1170.6, enacted in 1976 as part of the determinate sentencing law, requires the Judicial Council to "continually study and review the statutory sentences and the operation of existing criminal penalties," and to report its findings to the Governor and the Legislature. The section also requires reports on pending legislation that may affect felony sentences. The reports are sent to the Governor and the Legislature during the legislative session by the Director of the Administrative Office of the Courts under authority delegated by the council.

Felony convictions

Table 2 compares the number of felony convictions between 1986 and 1989 with the projected number of felony convictions in 1990. The number of convictions per year for homicide, rape, residential burglary, forgery, and NSF (not sufficient funds) checks remained almost constant. Significant increases occurred in major property crimes: burglary (second degree), grand theft (auto), and receiving stolen property. The number of violations roughly doubled in each major felony drug law category. At publication of this report, approximately 64,500 felony drug law convictions had been recorded for 1990, an 8 percent increase over 1989, which is much smaller than the 27 percent increase between 1988 and 1989.

Table 1 analyzes regional increases in drug convictions. Between 1986 and 1990, the largest jump occurred in the relatively rural Central Valley and northeastern parts of California.

The extreme south and southeastern parts of the state recorded the largest growth—55 percent—in crimes against the person during 1986–1990. This region also recorded a 149 percent jump in drug convictions. Population growth may partially explain these increases.

Concern over burgeoning drug cases may account for the higher rate of prison commitments for drug law violations, which constituted 40 percent of all convictions during 1989. The prison commitment rate for drug law violations hovered around 25 percent between 1984 and 1986 but grew to about 36 or 37 percent by the end of the decade.

Table 1

Total Felony Convictions by Geographic Region and State Total, California

	Crimes against persons			*Drug law violations*		
	1986	*1990**	*% Change*	*1986*	*1990**	*% Change*
1st and 6th App. Dist. (San Francisco area and North Coast)	4,236	4,636	+9%	7,196	11,516	+60%
2nd App. Dist. (Los Angeles County and vicinity)	8,340	10,648	+28%	17,760	31,748	+79%
4th App. Dist. (San Diego, Orange, San Bernardino, Riverside Counties and vicinity)	3,141	4,872	+55%	4,411	10,988	+149%
3rd and 5th App. Dist. (Central Valley and northeast part of state)	3,231	4,652	+44%	2,894	10,304	+256%
State total	**18,948**	**24,808**	**+31%**	**32,261**	**64,556**	**+100%**

* 1990 projected on the basis of four times the figures for the quarter ending in March. Possible influence of seasonality was examined by comparing the March quarter in current and prior years; the percentages of change were not significantly different from those shown above.

Impact of the law on plea practices

After July 1, 1977, the operative date of the determinate sentencing law, dispositions by trial began to decrease and guilty pleas began to increase relative to total dispositions in superior courts. This trend toward a smaller percentage of felony dispositions by trial continued, and may have increased slightly, after the adoption in June 1982 of Proposition 8, which included significant new penalties for repeat offenders, among other provisions. This trend is shown in table 4.

In 1989–90, 89 percent of felony defendants pled guilty and only 6 percent went to trial. As recently as 1982–83, only 79 percent pled guilty and 12 percent went to trial.

1989–90 saw 15,472 more guilty pleas than in the previous year. As a result of this increase, only 243 more trials were needed during this period despite an increase of 15,579 total dispositions. The shift to disposition by plea has important implications for the courts. Had the percentage of trials remained constant, the courts would have experienced a major expansion in workload, which would have required a substantial increase in judicial resources.

As the determinate sentencing law becomes more complicated each year, the time savings in superior courts resulting from fewer trials are significantly offset by increased appellate workload.

Dispositions and length of sentences

The Judicial Council has published sentencing data through March 1990 in the *Sentencing Practices Quarterly*. This publication includes tables showing the type of disposition and length of prison sentence imposed upon conviction of commonly committed felonies. This information is summarized in tables 2 and 3.

Table 3 shows the average determinate sentence imposed for selected major crimes, which has changed little during the past few years. However, changes in statutory penalties have caused long-term increases in sentences for voluntary manslaughter and rape.

Table 2

Prison Commitments per 100 Convictions, Selected Crimes, Six-Month Periods Ending December 1977 Through June 1981, Six-Month Periods Ending June 1984 Through December 1989, and Quarter Ending March 1990, California

Time period	State total—all felonies	Crimes against persons: Homicide (1)	Forcible rape (2)	Robbery	Assault with a deadly weapon	Crimes against property: Burglary: First degree	Burglary: Second degree	Grand theft (3)	Auto	Forgery	Checks (NSF)	Receiving stolen property	Narcotics and drug laws: Narcotics: Possession	Narcotics: Possession for sale	Narcotics: Sale	All drug law violations
Quarter ending																
March 31, 1990	47	93	92	76	46	72	52	37	47	41	22	43	39	46	45	40
Six months ending																
Dec. 31, 1989	45	91	94	77	47	68	50	33	49	41	26	41	36	43	40	38
June 30, 1989	45	93	95	78	47	71	50	35	49	40	32	42	35	43	39	37
Dec. 31, 1988	45	93	92	78	46	72	52	37	50	42	24	42	35	42	37	37
June 30, 1988	47	92	95	79	50	71	54	36	52	41	29	43	34	45	39	37
Dec. 31, 1987	44	92	94	77	48	70	51	34	51	39	27	40	31	39	34	34
June 30, 1987	44	94	92	78	46	68	51	36	48	40	27	44	30	38	30	32
Dec. 31, 1986	44	93	96	74	46	70	49	33	50	41	33	42	30	38	27	31
June 30, 1986	42	93	96	76	44	67	48	33	50	38	28	41	26	34	23	26
Dec. 31, 1985	42	91	94	77	44	67	50	31	48	43	26	41	26	35	24	26
June 30, 1985	43	92	94	78	46	68	50	33	47	42	32	39	23	35	26	25
Dec. 31, 1984	42	88	95	76	44	65	48	34	48	39	30	38	24	35	29	25
June 30, 1984	41	86	96	74	40	62	47	31	45	44	28	33	21	37	27	23
June 30, 1981	37	83	83	68	33	55	38	27	33	36	24	30	26	32	27	21
Dec. 31, 1980	36	79	80	65	33	47	36	25	35	38	23	28	29	40	29	21
June 30, 1980	35	79	85	64	33	45	36	29	34	33	23	29	28	41	28	21
Dec. 31, 1979	34	83	75	63	32	44	35	30	30	33	24	22	25	41	29	22
June 30, 1979	34	81	71	62	29	41	33	28	29	35	21	26	28	43	35	23
Dec. 31, 1978	34	80	71	64	28	44	35	26	33	38	19	23	36	44	32	26
June 30, 1978	33	80	64	63	30	41	32	21	28	35	19	24	33	49	31	24
Dec. 31, 1977	29	72	63	59	28	37	29	20	23	31	26	22	24	40	26	20
Approximate convictions																
In 1990	145,000	1,400	600	6,700	5,600	6,500	9,400	3,900	7,000	1,800	800	5,200	23,200	10,700	12,800	64,500
In 1989	130,000	1,300	600	5,800	4,600	6,000	8,700	3,600	6,000	1,600	700	4,600	22,400	9,700	12,500	59,900
In 1988	106,400	1,300	500	5,100	3,900	6,300	7,100	2,900	4,400	1,800	800	3,700	16,800	7,500	9,400	47,300
In 1987	98,600	1,300	600	5,500	3,900	6,200	7,000	3,000	3,800	1,800	800	3,600	13,100	5,800	7,200	39,600
In 1986	91,000	1,300	600	5,700	4,100	6,300	7,000	3,000	3,500	1,900	800	3,700	9,100	4,400	5,800	32,300

(1) For six-month periods through 1981, includes only second-degree murder and voluntary manslaughter. First-degree murder data were not available and thus could not be tabulated. First-degree murder (and death penalties) are included in the 1984 and subsequent data.

(2) A high percentage of rape cases formerly received "other" dispositions. Most of those involved either incarceration as a mentally disordered sex offender or commitment to the Youth Authority. Probation was prohibited by Stats. 1979, ch. 944, and Pen. Code, § 1203.065. Mentally disordered sex offender (MDSO) commitments were prohibited for crimes committed after December 31, 1981 (Stats. 1981, ch. 928). Some MDSO commitments continue to come in on crimes committed before 1982.

(3) Amount over $200 through 1982, $400 or unspecified thereafter.

Table 3 **Average[1] Determinate Sentence Imposed, Selected Crimes, California**

	Average determinate sentence imposed—in years									
					Burglary					
Quarter ending	Voluntary man-slaughter	Assault with a deadly weapon	Forcible rape (not in concert)	Robbery	First degree	Second degree	Grand theft[2]	Forgery	Receiving stolen property	Possession of narcotics
March 31, 1990	8.6	3.8	17.2	5.0	4.6	2.1	2.1	2.3	2.0	1.8
Dec. 31, 1989	9.0	3.8	12.1	5.2	4.6	2.2	2.2	2.3	2.0	1.8
Sept. 30, 1989	8.8	3.7	12.9	5.1	4.4	2.1	2.1	2.1	2.0	1.8
June 30, 1989	8.4	3.8	16.6	5.0	4.6	2.2	2.2	2.2	2.1	1.8
March 31, 1989	8.4	3.9	16.4	5.1	4.8	2.1	2.3	2.1	2.1	1.8
Dec. 31, 1988	8.8	3.9	11.4	5.5	4.6	2.2	2.2	2.2	2.1	1.8
Sept. 30, 1988	8.3	3.9	19.2	5.5	4.5	2.3	2.3	2.3	2.1	1.8
June 30, 1988	8.2	3.9	14.6	5.5	4.6	2.3	2.3	2.3	2.3	1.8
March 31, 1988	8.1	3.9	18.1	5.1	4.4	2.3	2.2	2.2	2.2	1.8
Dec. 31, 1987	8.0	3.8	16.3	4.9	4.3	2.1	2.2	2.2	2.1	1.8
Sept. 30, 1987	8.7	4.1	14.5	5.2	4.3	2.2	2.2	2.2	2.1	1.8
June 30, 1987	8.5	3.8	12.7	5.1	4.4	2.1	2.2	2.2	2.2	1.8
March 31, 1987	8.7	3.9	15.1	5.4	4.3	2.2	2.2	2.1	2.1	1.8
Dec. 31, 1986	8.2	3.9	15.3	4.8	4.4	2.1	2.2	2.3	2.3	1.8
Sept. 30, 1986	7.9	3.9	16.2	5.0	4.4	2.2	2.1	2.3	2.2	1.8
June 30, 1986	8.7	3.9	15.5	5.4	4.1	2.2	2.4	2.2	2.1	1.8
March 31, 1986	8.2	3.7	14.8	5.1	4.1	2.3	2.3	2.2	2.1	1.8
Dec. 31, 1985	7.4	3.8	14.5	5.0	4.3	2.3	2.0	2.3	2.1	1.9
Sept. 30, 1985	8.2	3.8	16.0	5.1	4.3	2.5	2.4	2.3	2.2	1.9
June 30, 1985	7.2	3.8	15.5	4.9	4.4	2.5	2.2	2.2	2.1	1.7
March 31, 1985	7.0	3.9	13.5	5.1	4.2	2.3	2.2	2.3	2.2	1.7
Dec. 31, 1984	7.2	3.8	12.0	4.9	4.2	2.5	2.2	2.3	2.1	1.9
Sept. 30, 1984	6.9	4.0	14.0	5.1	4.4	2.5	2.3	2.2	2.1	2.1
June 30, 1984	6.2	3.8	15.3	4.8	4.3	2.5	2.3	2.4	2.2	2.0
March 31, 1984	5.6	3.8	13.4	4.8	4.2	2.4	2.3	2.3	2.2	2.0

1 Average—(arithmetic mean).
2 Grand theft—(over $200 through 1982, $400 or unspecified thereafter).

Judicial Council Legal Forms

During 1990 the Judicial Council approved 31 new forms and revised 41 forms for mandatory and optional use in California courts.

The forms were prepared and recommended by the Judicial Council Advisory Committee on Legal Forms, whose membership comprises representatives from the State Bar, the judiciary, and court clerks' offices.

Camera-ready masters of the new and revised forms were sent to each trial court to be reproduced for local use. Several legal publishers reproduce and supply the forms to attorneys and parties.

An explanation of the new forms and background on the changes to existing forms follow.[5]

Table 4 Criminal Case Dispositions in Superior Courts

Fiscal year	Total dispositions*	Pretrial: Total pretrial	Pretrial: Guilty pleas	Pretrial: Other pretrial	Total trials
1979–80	51,281	44,924	38,690	6,234	6,357
1980–81	58,314	51,826	45,082	6,744	6,488
1981–82	60,998	53,860	47,664	6,196	7,138
1982–83	67,261	59,461	52,933	6,528	7,800
1983–84	66,535	59,825	54,217	5,608	6,710
1984–85	74,591	68,479	63,121	5,358	6,112
1985–86	88,212	81,993	76,341	5,652	6,219
1986–87	98,741	91,965	85,626	6,339	6,776
1987–88	111,077	103,523	96,865	6,658	7,554
1988–89	124,715	117,077	109,754	7,323	7,638r
1989–90	140,294	132,413	125,226	7,187	7,881

Percent

Fiscal year	Total dispositions*	Pretrial: Total pretrial	Pretrial: Guilty pleas	Pretrial: Other pretrial	Total trials
1979–80	100	88	75	12	12
1980–81	100	89	77	12	11
1981–82	100	88	78	10	12
1982–83	100	88	79	10	12
1983–84	100	90	81	8	10
1984–85	100	92	85	7	8
1985–86	100	93	87	6	7
1986–87	100	93	87	6	7
1987–88	100	93	87	6	7
1988–89	100	94	88	6	6r
1989–90	100	94	89	5	6

* Includes cases resulting in acquittal or dismissal or misdemeanor conviction.
r Revised

SOURCE: Table 3, Superior Courts, *1991 Judicial Council Annual Report*

General legal forms

- ☐ Abstract of Judgment (rule 982(a)(1)) was revised to indicate clearly where the creditor's address appears on the form (Code Civ. Proc., § 674(a)(4))
- ☐ Civil Subpena (rule 982(a)(15)) was revised to eliminate the need for the clerk to certify that witness fees for law enforcement officers have been paid to employers (Stats. 1990, ch. 511)
- ☐ Subpena (Criminal or Juvenile) (rule 982(a)(16)) was revised to permit copying of records of a witness's place of business (Evid. Code, § 1561)
- ☐ Information Sheet on Waiver of Court Fees and Costs (rule 982(a)(9A)) was revised to reflect the new poverty income guideline figures published by the U.S. Secretary of Health and Human Services

Wage garnishment forms

- ☐ Notice of Filing Claim of Exemption (rule 982.5(6)) was revised to reflect the new time limits applicable to the procedure for claiming exemption from a wage garnishment (Code Civ. Proc., § 706.105)
- ☐ Earnings Withholding Order (rule 982.5(2)) was revised to correct an error on the form

Family law summons

In response to legislative changes, the Judicial Council adopted new and revised family law forms. The majority of the revisions, as well as several new forms, are required by legislation that makes wage assignments mandatory for all support orders made after July 1, 1990.

5 In general, forms "adopted" by the Judicial Council are for mandatory use; "approved" forms are for optional use (see the logos on the forms and Cal. Rules of Court, rule 982).

- ☐ Summons (Family Law) (rule 1283) was revised to include four restraining orders that will be issued automatically following the issue of a summons in every family law case (Stats. 1989, ch. 1105). The form was later revised to delete one of the automatic restraining orders (Stats. 1990, ch. 935)
- ☐ Proof of Service of Summons (Family Law) (rule 1283.5) was approved for optional use in family law proceedings in response to a need expressed by the courts

Domestic violence prevention

Legislation also substantially amended the Domestic Violence Prevention Act, generally enhancing its protection of victims. Statutes of 1990, chapter 752, enlarged the group to whom protection is available to include persons who have had a "dating or engagement relationship" and deleted a requirement that cohabitants must have lived together within the previous six months. Statutes of 1990, chapter 935, required the temporary restraining order to advise defendants that the court may grant the requested order without further notice if they do not appear at the court hearing.

Statutes of 1990, chapter 1180, made it a crime for any person subject to a restraining order to acquire a firearm if he or she knows of the existence of a restraining order. The restraining orders were revised to warn of this provision.

The Judicial Council revised the following forms, mandatory in domestic violence or uniform parentage or family law proceedings:

- ☐ Application and Declaration (rule 1296)
- ☐ Order to Show Cause and Temporary Restraining Order (rule 1296.10)
- ☐ Responsive Declaration to Order to Show Cause (rule 1296.20)
- ☐ Order After Hearing (rule 1296.30)
- ☐ Standard Restraining Order (Uniform Parentage Act) (rule 1296.61)

Summary dissolution

- ☐ Joint Petition for Summary Dissolution of Marriage (rule 1295.10) was revised to increase to $25,000 the amount of community or separate property each petitioner can own (Stats. 1990, ch. 1493)
- ☐ Summary Dissolution Information—English and Spanish booklets (rules 1295.10 and 1295.12) were revised to add new covers. The new covers give the latest dollar amounts to qualify for summary dissolution

Wage assignment

Statutes of 1989, chapter 1359 (Civ. Code, §§ 4390–4390.19), brought California's wage assignment law into compliance with federal requirements and created a single procedure for all wage assignments for support—child support, spousal support, and family support. The council adopted the following new or revised forms in response to the legislation:

- ☐ Petition (rule 1281)
- ☐ Response (rule 1282)
- ☐ Application for Order and Supporting Declaration (rule 1285.20)
- ☐ Notice of Request to Change Support Order (rule 1285.30)
- ☐ Notice of Hearing and Notice of Opposition to Request to Change Support Order (rule 1285.32)
- ☐ Order Changing Support (Uncontested) (rule 1285.34)
- ☐ Order Changing Support (Contested—No Attorneys) (rule 1285.36)
- ☐ Ex Parte Application for Wage Assignment for Support Ordered Before July 1, 1990 (rule 1285.65, essentially a modified version of the previous Ex Parte Application for Wage Assignment for Support)
- ☐ Wage Assignment Order (rule 1285.70, previously called Order Assigning Salary or Wages)
- ☐ Stay of Service of Wage Assignment Order (rule 1285.72)
- ☐ Findings and Order After Hearing (rule 1291)

Family law discovery

The council created a new division of family law forms for discovery and approved the following forms:

- ☐ Form Interrogatories—Family Law (rule 1292.10) was approved as required by Code of Civil Procedure section 2033.5. These interrogatories are exempt from the Discovery Act limitations
- ☐ Schedule of Assets and Debts (rule 1292.11), when completed, provides many of the answers to the interrogatories
- ☐ Request for Production of an Income and Expense Declaration (rule 1292.15) (renumbered, formerly form 1285.15) was modified to require that state and federal income tax returns be attached to the response

Other family law forms

- ☐ Declaration for Default or Uncontested Dissolution or Legal Separation (rule 1286.50) was revised to allow the form to be filed simultaneously with the application for the default. Previously, the default was required to have been already granted
- ☐ Application and Order for Health Insurance Coverage (rule 1285.75) was revised to move the names of the children from the application section of the form to the order section. This change will permit use of the form when the application is part of a separate petition

Facsimile filing forms

- ☐ Facsimile Transmission Cover Sheet (rule 2011) was adopted to be used in filing documents by facsimile machine in the pilot project courts selected by the Judicial Council under Code of Civil Procedure section 1012.5 (Stats. 1989, ch. 1100)

Juvenile forms
On the recommendation of the Judicial Council Advisory Committee on Juvenile Court Law, the council adopted, approved, or revised the following juvenile court forms to clarify procedures and encourage greater statewide uniformity in juvenile dependency proceedings (see Cal. Rules of Court, rule 1402):

- ☐ Juvenile Dependency Petition (Version One) (JV–100)
- ☐ Additional Children Attachment (JV–101)
- ☐ Juvenile Dependency Petition (Version Two) (JV–110)
- ☐ Serious Physical Harm (JV–120)
- ☐ Failure to Protect (JV–121)
- ☐ Serious Emotional Damage (JV–122)
- ☐ Sexual Abuse (JV–123)
- ☐ Severe Physical Abuse (JV–124)
- ☐ Conviction of Another Child's Death (JV–125)
- ☐ No Provision for Support (JV–126)
- ☐ Freed for Adoption (JV–127)
- ☐ Cruelty (JV–128)
- ☐ Abuse of Sibling (JV–129)
- ☐ Supplemental Petition Attachment (JV–150)
- ☐ Restraining Order—Juvenile (JV–250)
- ☐ Notice of Review Hearing—Juvenile (JV–280)
- ☐ Notice of Hearing on Selection of a Permanent Plan—Juvenile (JV–300)
- ☐ Orders Under Section 366.26 of the Welfare and Institutions Code (JV–320)
- ☐ Letters of Guardianship of the Person—Juvenile (JV–325)
- ☐ Order to Seal Juvenile Records (JV–590)

Menacing-dog forms
The council approved for optional use the following four forms to implement new legislation (Food & Agr. Code, §§ 31601–31683; Stats. 1989, ch. 761) providing for a judicial or administrative hearing procedure to determine whether a dog should be declared potentially dangerous or vicious:

- ☐ Petition to Determine if Dog Is Potentially Dangerous or Vicious (MC–600)
- ☐ Notice of Hearing (MC–601)
- ☐ Order After Hearing (MC–602)
- ☐ Notice of Appeal (MC–603)

Probate forms
Legislation required adoption of one mandatory Judicial Council form and revisions to four existing forms used in probate conservatorships (Stats. 1989, chs. 781 and 1080, effective July 1, 1990).

- ☐ Petition for Appointment of Probate Conservator (GC–310)
- ☐ Confidential Supplemental Information (GC–312)

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Judge, Superior Court
Alameda County

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Judge, Superior Court
San Bernardino County

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☐ Order Appointing Court Investigator (GC–330)
☐ Order Appointing Probate Conservator (GC–340)
☐ Petition for Exclusive Authority to Give Consent for Medical Treatment (GC–380)

Small claims forms
Several forms were revised to reflect the increase of the jurisdictional limit in small claims court to $5,000 (Stats. 1990, ch. 1683).
☐ Plaintiff's Claim and Order to Defendant (SC–100)
☐ Plaintiff's Claim and Order to Defendant—Unlawful Detainer (SC–110)
☐ Notice of Appeal (SC–140)
☐ Information for the Plaintiff (SC–150)

Changes in the California Rules of Court

During 1990, the Judicial Council adopted 30 new rules and 5 new recommended Standards of Judicial Administration. The council amended 50 rules and 1 standard. It also repealed and readopted 39 rules and repealed 8.

Appellate rules

Reporters' transcripts (rule 4)
The council amended rule 4 to reduce delay arising from the wait for an official estimate of the cost of the transcript; the wait while that amount is deposited; the wait for the respondent's additional designation; and the wait for the posting of the transcript's costs. The council also amended the rule to clarify that only the reviewing court may extend the time for the reporter's transcript on appeal.

Notice of late brief (rule 17)
Rule 17 was amended to reduce from 30 days to 15 days the time between the clerk's notice that a brief in a civil case is late and the time for dismissal or imposition of another sanction. The time was kept at 30 days in criminal appeals, pending a complete rewrite of the rule governing late briefs in those cases.

Criminal appeal transcript (rule 31)
The council amended rule 31 to require that counsel who assists a defendant in filing a notice of appeal shall serve a copy of the notice on the court report, and to require the reporter to begin work on the transcript upon receiving the notice.

Confidential in-camera proceedings (rules 33.5 and 859)
New rule 33.5 standardizes the way a record of confidential in-camera proceedings is transmitted to the reviewing court, either under *People* v. *Marsdena* (1970) 2 Cal.3d 118 or otherwise. New rule 859 ensures that the minutes indicate whether proceedings are confidential.

Transcript preparation (rule 34.5)
The council adopted rule 34.5 to implement Statutes of 1990, chapter 636. The rule sets forth standards for superior courts to use in deciding whether to order transcript preparation to begin immediately after conviction of a felony by full trial.

Record on appeal (rule 35)
The council amended rule 35(b) to prohibit the clerk from using the mail to give the reporter notice to prepare a transcript when the reporter is employed by the court and can be given the notice directly. Rule 35(c) was amended to have the prosecutor's copy of the record on appeal in a criminal case sent directly to the Attorney General rather than to the district attorney. Rule 35(e) now requires that a copy of any trial court order issued while an appeal is pending be sent to the probation officer as well as the reviewing court.

Juvenile appeals (rule 39)
The council amended rule 39 to conform to statutory and rule changes on juvenile appeals.

Notice of request for time extension (rule 45)
An attorney in a civil case must now give the client copies of stipulations and applications to the court for additional time and must attach evidence of having done so to the application or stipulation.

Experimental habeas corpus form (rule 56.6)
Rule 56.6 was adopted to provide for the use of a new, experimental form instead of the older form of petition for writ of habeas corpus.

Power of administrative presiding justice (rule 77)
Rule 77 was amended slightly to clarify the power of administrative presiding justices of the Courts of Appeal to supervise the progress of appeals.

Judicial performance procedures (rules 78, 205, and 532.5)
The council amended rules 78, 205, and 532.5 to clarify the duties of presiding judges to report both the failure of judges to perform judicial duties and absences caused by disabilities.

Trial court rules and standards

Trial court delay reduction rules (rules 209, 210, 220, 1601, 1605, and 1607)
Pursuant to the new Trial Court Delay Reduction Act (Stats. 1990, ch. 1232), the council adopted rule changes affecting the manner in which cases are placed on the civil active list and the cutoff date for filing a stipulation to arbitrate, and permitting the arbitration administrator to certify a case to the court after the first failure to arbitrate.

Proposition 115 implementation (rules 227.3, 227.4, 227.10, 228, 228.1, 228.2, 516, and 516.2; Cal. Standards Jud. Admin., §§ 8.5 and 8.7)
The council amended rules 227.3, 227.4, 227.10, 228, and 516 and section 8.5 and added rules 228.1, 228.2, 516.2, and section 8.7 to implement Proposition 115, the Crime Victims Justice Reform Initiative. The amendments conform to procedural changes made by the initiative in criminal cases, such as the elimination of the post-indictment preliminary hearing, the requirement for mutual discovery, and the court's increased authority over the selection of jurors.

Criminal case resolution (rule 227.10)
The council amended rule 227.10 to facilitate criminal case resolution before preliminary hearings and at all other stages of the proceedings, and to encourage cooperation among the court, the district attorney, and the public defender at all stages.

Jury selection (rules 221.1 and 516.1; Cal. Standards Jud. Admin., §§ 8.6 and 8.8)
The council adopted new rules 228.1 and 516.1 concerning conferences to be held before jury selection in criminal cases (pre–voir dire conferences), in which certain information shall be exchanged, and concerning the submission of questions for prospective jurors in writing, in advance of the conference. It also adopted new sections 8.6 and 8.8 of the Standards of Judicial Administration concerning uninterrupted jury selection and judicial education related to jury selection.

Certification to juvenile court (rules 241.2 and 529.2)
The council adopted new rules 241.2 and 529.2 to provide for uniform procedures for certification to juvenile court of cases involving a person who, during the course of a criminal proceeding, is found to have been under the age of 18 on the date an offense is alleged to have been committed.

Sentencing rules (rules 405, 406, 407, 411, 411.5, 412, 413, 414, 418, 419, 420, 421, 423, 425, 426, 428, 435, 437, 439, 447, 452, 470, and 472)
At the suggestion of the Advisory Committee on Sentencing, the council adopted a major revision of the sentencing rules. The primary change was to rearrange the rules so that they follow more closely the actual sentencing process. Other changes attempt to assist the court by enumerating situations in which statutory or case law requires statements of a reason, by summarizing the statutory and case law on sentencing for violent sex crimes, and by eliminating or grouping sentencing criteria that have proved confusing or prone to error. The council also repealed rules 250, 252, 416, 440, 441, 443, 445, and 449.

Setting execution date (rule 490)
The council amended rule 490 (setting date for execution of death penalty) to specify that notice to the California Appellate Project shall be sent to its San Francisco office.

Centralized payment of assigned judges (rule 813)
The council adopted rule 813 to define "reciprocal agreement" and "exchange assignment," conditions that would waive the 50/10 county reimbursement under Government Code section 65841.5. The new rule requires courts to notify the Administrative Office of the Courts (AOC) when service is rendered under a reciprocal assignment so that a determination concerning applicability of the 50/10 waiver can be made. The rule has retroactive application to July 1, 1990, consistent with the legislative intent of Statutes of 1990, chapter 1486, which added section 65841.5 to the Government Code.

Adoption of local rules (rule 981)
The council, acting on the recommendation of the Advisory Committee on Local Rules, amended rule 981 to modify the procedure for adoption of local rules. The amendments, effective July 1, 1991, provide that a court must name an official publisher of local rules, seek comment on local rules before their adoption, and impose other requirements to help ensure greater availability of local court rules.

Gender-neutral language (rule 989)
The council adopted new rule 989, which requires each court to use gender-neutral language in all new local rules, forms, and documents and to review and revise those now in use to ensure that they are written in gender-neutral language. The rule also requires that all jury instructions be submitted to the jury in gender-neutral language. The new rule is one of the recommendations of the Advisory Committee on Gender Bias in the Courts.

Family law summons with standard restraining orders (rule 1216)
New rule 1216 provides that the family law summons is filed, served, and enforced in the same manner as any civil summons. This rule modifies the effect of legislation effective July 1, 1990 (Code Civ. Proc., § 412.21), which, in the absence of the rule, would subject court clerks and others to criminal penalties for placing copies of the summons in the court's files or otherwise revealing the existence of the standard (automatic) restraining orders.

Child support guideline (rule 1274)
The council adopted a child support guideline pursuant to Civil Code section 4720.1 (added by Stats. 1990, ch. 1493). The rule, which supplants the provisions of the Agnos Child Support Standards Act, is effective from March 1, 1991, through December 31, 1992. The guideline creates a rebuttable presumption that the amount of support provided is the correct amount of child support. The rule lists factors that can rebut the presumption.

Juvenile court forms (rule 1402)
The council adopted rule 1402 to provide forms for optional use in juvenile court effective January 1, 1991, and for mandatory use effective July 1, 1991.

Revision of juvenile court rules (rules 1403–1408, 1412, 1418, 1430, 1432, 1446–1447, 1449–1450, 1455–1456, 1464–1465, 1470, 1472–1478, 1480–1483, 1485–1489, 1492–1494, and 1496)
As part of the comprehensive revision of juvenile court rules being undertaken by the Advisory Committee on Juvenile Court Law, the council repealed and readopted provisions concerning minors, described by sections 601 and 602 of the Welfare and Institutions Code. Technical amendments also were made to some of the rules relating to dependency cases.

Prehearing motions (rule 1419)
The council adopted rule 1419 to govern procedures involving prehearing motions under Welfare and Institutions Code section 700.1.

Terminating parental rights (rules 1459 and 1463)
The council adopted rule 1459 and amended rule 1463 to clarify the procedure to be followed in proceedings to terminate parental rights so that a child may be adopted.

Justice Court Oral Examinations

During 1990, oral examining boards were appointed to interview candidates for the office of justice court judge in the following three districts: Western Judicial District for Siskiyou County; Red Bluff Justice Court District for Tehama County; and Fowler-Caruthers Justice Court District for Fresno County.

Justice court appointment procedures
When a judicial vacancy occurs in a justice court, it may be filled either by appointment by the board of supervisors or by special election, at the option of the county board of supervisors (Gov. Code, § 71180.3). Only attorneys are eligible to be justice court judges (Gov. Code, § 71601). When more than three qualified candidates seek appointment to a justice court judgeship, oral examinations are required (Gov. Code, § 71180.4).

At the request of a county board of supervisors, the Chair of the Judicial Council appoints a superior court judge as chair of the oral examining board, who then appoints two residents of the county to serve as additional board members. The board conducts interviews and ranks each candidate. The names of the three highest-ranked candidates are then certified to the board of supervisors (Gov. Code, § 71601.3; Cal. Rules of Court, rules 765–770).

Sealing of juvenile court records (rule 1499)
The council adopted rule 1499 to provide procedures for use in sealing records when such an action is requested by a former ward of the juvenile court.

Judicial arbitration (rules 1606, 1613, and 1616)
The council amended rules 1606 and 1613 to correct cross-references to code sections that have been repealed, and amended rule 1616 to make it clear that a request for trial de novo filed prematurely—after the arbitrator serves a copy of the award on the parties but before the award is filed—is valid.

Fax filing pilot project (rules 2001–2011)
Pursuant to Civil Code section 1012.5, the Judicial Council adopted rules to implement a pilot project in 13 superior, municipal, and justice courts permitting the filing of documents with the court by facsimile machine. The rules also provide that any court may elect to participate in the pilot project. Parties may file directly with the court's facsimile machine in some cases, and through private fax filing agencies in other cases. The rules also provide for service of papers on the opposing party by fax.

Waste reduction and recycling (Cal. Standards Jud. Admin., § 17.5)
The council added section 17.5 to the Standards of Judicial Administration to encourage each court to participate in a county program for waste reduction and recycling or to adopt a program of its own.

Child custody mediation (Cal. Standards Jud. Admin., § 26)
The council added section 26, with commentary, to the Standards of Judicial Administration to establish uniform standards of practice for court-connected mediation of child custody and visitation disputes.

Utilization of Judicial Resources

Judicial assignments

Two major new judicial assignments programs were implemented in 1990: the Certified Justice Court Judge Program and the Centralized Payment of Assigned Judges Program. Other important changes included passage of legislation to create a "contract judge" program and to permit retired judges who serve on assignment to earn the maximum salary in a shorter period of time.

Certified Justice Court Judge Program

This new program was developed in response to passage of Proposition 91, which established justice courts as "courts of record" and resulted in prohibiting a justice court judge from practicing law to supplement a part-time salary.

Effective July 1, 1990, part-time justice court judges were granted the option of participating in a program designed to provide a full-time salary and benefits in exchange for full-time work. Participation in the program is mandatory for part-time justice court judges appointed or elected after January 1, 1990.

Judges who participate in the program are required to make themselves available to serve on assignment for the portion of time that their services are not needed in the home court. Assignment requirements are based on the full-time equivalency of a judge's home court. Certified judges are bound by procedures established to ensure that full-time work is provided in a consistent and equitable manner.

On July 1, 1990, 38 of the state's 57 justice court judges began participating in the program. Pursuant to the program's mandatory provisions, two additional judges began participating following appointment to vacant positions.

During the program's first quarter of operation, the certified judges provided 224.3 weeks of assigned assistance to the statewide courts, or an average of 74.8 weeks each month. These figures include travel time and represent 52.2 full-time equivalencies (FTEs), or an average of 17.4 FTEs each month. Although this figure is less than the 22 FTEs that were anticipated, it is impressive because 15 part-time judges are not included in the computations.

On July 2, 1990, a special committee was appointed by the Chief Justice to oversee implementation of the program and procedures, monitor participant compliance, recommend resolutions for any special problems, and make recommendations on possible standards for granting and revoking certification of judges. The committee advises the Chief Justice in all of these areas and provides guidance to the Judicial Assignments Unit staff, which manages the certified judge program.

Centralized Payment of Assigned Judges Program

A new, uniform system for paying judges serving on assignment was established in the AOC effective July 1, 1990. The new program significantly changes the procedures for paying salary compensation and travel expenses to judges assigned to the trial courts.

Under the new statutes, the state pays all salary compensation and travel expenses of a judge assigned to a trial court. The only exception is when an in-county judge serves an in-county court. In this situation, the county is responsible for payment of travel expenses, if any.

The new law also provides that a retired judge continues to receive his or her retirement allowance while serving on assignment, and the state pays the difference between the judge's retirement allowance and 92 percent of the salary of a judge of the court to which the retired judge is assigned. The state also pays travel expenses due a retired judge. The state reimburses the Judges' Retirement System the amount of the allowance paid to the judge while serving on assignment.

To fund the centralized payment program, the state requires a receiving county to pay 50 percent of the full salary of an assigned judge (active or retired) for the time the judge serves the receiving court, plus any travel expenses. The new law also specifies that the state shall reimburse the lending county, if any, 10 percent of the judge's salary.

If the receiving county is an option county—that is, it elected to participate in trial court funding—the amounts due the state are deducted quarterly from the block grants. Adjustments to the block grants are also made to reflect the 10 percent reimbursement to any lending counties.

Because the "50/10" reimbursement provisions created a potential fiscal crisis for rural counties that exchange judges on a regular basis, legislation was enacted to rectify the problem. Assembly Bill No. 596 (Statham), passed as an urgency measure and retroactive to July 1, amended Government Code section 68541.5 to permit the state to waive reimbursement in certain assignment situations.

Despite efforts to provide a smooth transition from a county payment system to the centralized payment system, the implementation phase was plagued with several problems. The AOC created an internal task force to address problems such as redesigning the compensation claim forms, developing a form for noncompensated assignments, correcting the mileage reimbursement policy, recovering overpayments to retired judges, developing an informational fact sheet, ensuring accuracy on the quarterly billings to counties, and improving the turnaround time for payment of assigned judges.

Tucker and Leslie bills

Two measures designed to expand the number of judges available for assignment were enacted in 1990: Assembly Bill No. 2874 (Tucker) and Assembly Bill No. 2964 (Leslie).

The "Tucker" bill permits a retired judge who is at least 63 years of age to serve on assignment in counties that agree to pay the additional costs at full pay for up to 70 days per year without loss or interruption of retirement benefits. The bill limits the total annual compensation for these judges to 92 percent of a superior court judge's pay. Total annual compensation includes compensation paid pursuant to the new law, retirement benefits, and all other compensation for service on assignment. The judge also is allowed to claim expenses pursuant to Board of Control Rules.

The "Leslie" bill directs the Judicial Council to contract with up to 10 retired judges to serve up to 110 court days per year on assignment for the primary purpose of relieving delays affecting trials of civil cases in rural counties that agree to pay the additional costs. When assigning these judges, the council must give priority to counties with fewer than 10 judges, but any county able to pay for the service is eligible.

Contract judges will be paid one-half the daily salary of a superior court judge for each day of service, in addition to retirement benefits and expenses pursuant to Board of Control Rules.

Under both bills, the state will pay the compensation and expenses to the judges, and the counties will reimburse the state the amounts paid. With the added state reimbursements, the cost to a county would be from $360 to $390 per day, plus expenses.

The two new programs became effective on January 1, 1991. To prepare for implementation, inquiries seeking information on participation in the programs were distributed to retired judges and various court personnel in December.

Coordination of multicourt civil actions

During 1990, the Chair of the Judicial Council received 110 petitions for the coordination of civil actions, 27 fewer petitions than in the preceding year. A total of 2,546 petitions were received between the inception of the coordination statute in 1974 and December 31, 1990.

The 110 petitions received during 1990 may be characterized as follows:

Included actions

The 110 petitions included 316 individual actions, of which 255 were superior court actions, 60 were municipal court actions, and 1 was a justice court action. Seventy-two petitions involved only two pending actions. Twenty-four petitions included three actions, and fourteen petitions included more than three actions.

Subject matter

The 110 petitions involved the following subject areas:

Personal injury (auto, 35; other, 17)	40
Commercial	13
Real property	22
Construction	13
Public law	4
Fire	1
Insurance	4
Professional negligence	7
Employment	3
Other	3
TOTAL	110

Dispositions

Of the 110 petitions, 62 were granted, 13 were denied, 3 were withdrawn, 6 were moot or dismissed, and 26 were still pending as of December 31, 1990.

Noteworthy proceedings

In late 1989, the Judicial Council received a petition to coordinate the actions involving challenges to regulations promulgated under Proposition 103, the insurance initiative. The petition was granted and a judge was assigned in 1990. The proceeding involves hundreds of actions and attorneys as well as significant issues of law. The proceeding is entitled "Proposition 103 Implementation Cases."

A petition to coordinate various actions involving Lincoln Savings and Loan was received in 1990 ("ACC/Lincoln Savings Cases"). The actions in this proceeding were removed to the United States District Court before the petition was resolved.

Also during 1990, the judgment in the historic litigation between the asbestos manufacturers and their insurance companies ("Asbestos Insurance Coverage Cases") was appealed in the Court of Appeal, First Appellate District.

Coordination: statistical history

The number of petitions filed in each calendar year since the coordination statute became effective on January 1, 1974, is as follows:

Year	*No. of petitions*
1974	67
1975	95
1976	118
1977	131
1978	183
1979	229
1980	290
1981	285
1982	270
1983	100
1984	89
1985	102
1986	111
1987	101
1988	128
1989	137
1990	110

The steep decline in petitions during 1983 was due to the implementation of Code of Civil Procedure section 404 and rule 1520, which were amended, effective January 1, 1983, to permit any party to request transfer and consolidation of intracounty actions pending in different courts and sharing common questions of fact or law. Transfer and consolidation are accomplished by noticed motion in the superior court.

Accordingly, submission of a petition to the Chair of the Judicial Council is no longer necessary in these actions.

Since the 1983 decline in petitions resulting from this statutory change, the rate of petitions has remained relatively stable, with a slight increase in 1988 and 1989 followed by a downturn in 1990.

Increased complexity of proceedings
The number of included actions contained in petitions for coordination fluctuates according to the complexity of the proceedings submitted. In 1986, the petitions received contained the highest number of actions compared with other years. The petitions also contained a high number of actions in 1989, probably due to receipt of a petition entitled "La Palma Homeowners Cases." The proceeding, initially containing 116 included actions, involves allegations of defects in homes due to corrosive elements in the soil.

The year 1990 marks a decrease not only in the number of petitions received but also in the number of actions included. The reason for these decreases is not clear. The speedier resolution of actions caused by the delay reduction program, however, might have affected the frequency of and need for combining actions in different counties.

The changes in the numbers of included actions since January 1, 1974, are reflected in the following table:

Year	*No. of petitions*	*No. of included actions*
1974–1975*	162	515
1976	118	327
1977	131	284
1978	183	249
1979	229	676
1980	290	881
1981	285	825
1982	270	708
1983	100	329
1984	89	321
1985	102	358
1986	111	745
1987	101	498
1988	114	355
1989	137	538
1990	110	316

* for a two-year period

Administrative functions
As required by rule 1550, all necessary administrative functions in coordination proceedings are performed at the direction of the Chair of the Judicial Council by a coordination attorney in the AOC. The coordination attorney maintains an official file for each proceeding. The file also contains all documents required to be submitted to the Chair of the Judicial Council under rule 1511.

Coordination Procedures

Coordination of civil actions is a procedural device used to join separate actions for all purposes. The actions must be pending in different courts and must share common questions of fact or law. The purpose of coordination is to avoid multiple trials and inconsistent results and to promote the efficient use of judicial resources. The coordination statute is contained in Code of Civil Procedure sections 404 through 404.8 and is accompanied by California Rules of Court, rules 1501 through 1550.

When a petition for coordination is received, the Chair of the Judicial Council assigns a judge to determine whether the included actions should be joined according to standards specified in Code of Civil Procedure section 404.1. If coordination is granted, the Chair assigns a judge to hear and determine the actions as required by Code of Civil Procedure section 404.3(a) and rule 1540. In selecting a site for the coordination motion and trial assignments, the convenience of parties, witnesses, and counsel and the administrative needs of the courts are considered.

Judicial redistricting
Consolidations of judicial districts continue to reshape California municipal and justice court districts. Since 1975, consolidations have eliminated 130 judicial districts, reducing the total number to 149. In addition, the elimination of 142 justice court districts has reduced the total number of justice courts to 57.

In fiscal year 1989–90, the number of municipal courts increased to 92 while the number of justice courts decreased by 8 to 57.

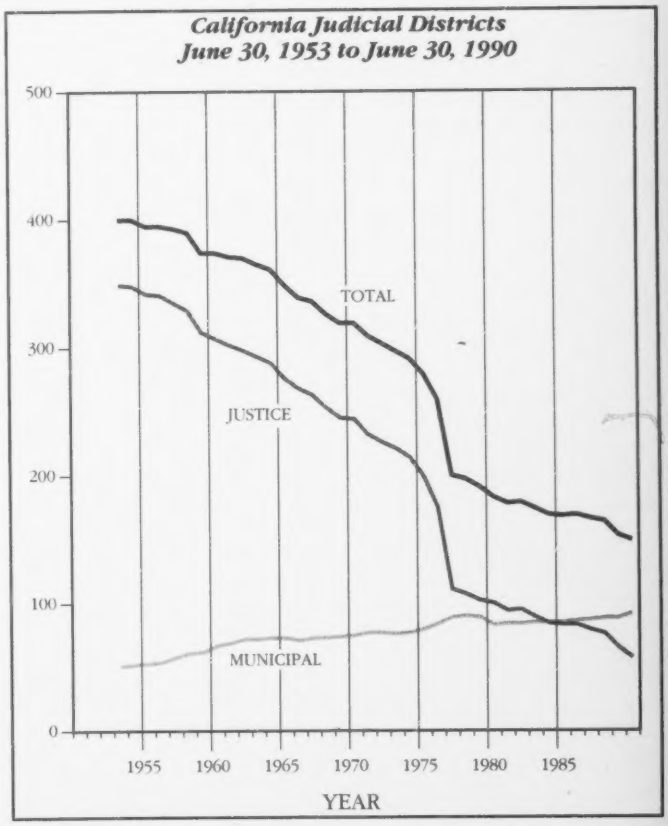
Consolidations, effective January 1, 1990:
- ☐ In Mendocino County, the Ukiah-Little Lake Justice Court became the Mount San Hedrin Municipal Court
- ☐ In Kern County, the Shafter-Wasco Justice Court consolidated with the Delano-McFarland Justice Court to become the North Kern Municipal Court
- ☐ In Kern County, the Arvin-Lamont Justice Court consolidated with the Maricopa-Taft Justice Court to become the South Kern Municipal Court
- ☐ In Kern County, the West Kern Municipal Court became the Bakersfield Municipal Court
- ☐ In Nevada County, the Grass Valley Justice Court consolidated with the Nevada City Justice Court and the Truckee Justice Court to become the Nevada County Municipal Court

The total number of districts served by justice courts has decreased steadily since the municipal and justice court reorganization of 1953. The decrease is due to redistricting by local boards of supervisors, which has resulted in consolidation of justice court districts into municipal courts, and in the creation of municipal courts when district populations exceed the 40,000 constitutional limit for justice courts. Table 5 shows the number of judicial districts as of June 30, 1990, and for each year since municipal and justice court reorganization took effect in 1953.

Table 5

California Judicial Districts As of June 30, 1953 to June 30, 1990

Year	*Total judicial district*	*No. of justice courts*	*No. of municipal courts*
1953	400	349	51
1954	400	348	52
1955	395	342	53
1956	395	341	54
1957	393	335	58
1958	390	329	61
1959	374	312	62
1960	374	307	67
1961	371	302	69
1962	370	298	72
1963	365	293	72
1964	361	288	73
1965	349	276	73
1966	339	268	71
1967	336	263	73
1968	326	253	73
1969	319	245	74
1970	319	244	75
1971	309	232	77
1972	303	226	77
1973	297	221	76
1974	291	214	77
1975	279	199	80
1976	259	175	84
1977	200	111	89
1978	197	107	90
1979	191	102	89
1980	183	100	83
1981	178	94	84
1982	179	95	84
1983	174	89	85
1984	169	84	85
1985	168	83	85
1986	169	83	86
1987	166	79	87
1988	164	76	88
1989	153	65	88
1990	149	57	92



Criminal Change of Venue

In 1990, the AOC provided administrative assistance to the trial courts in seven criminal cases in which a change of venue motion was granted. All were felonies.

The AOC is mandated to provide assistance in change of venue motions by rules 840–844 of the California Rules of Court, which were adopted by the Judicial Council in 1972 in compliance with Penal Code section 1038.

Rule 842 provides:

> When the court in which the action is pending determines that it should be transferred pursuant to Section 1033 or 1034 of the Penal Code, it shall advise the Administrative Director of the Courts of the pending transfer. Upon being advised the Director shall, in order to expedite judicial business and equalize the work of the judges, suggest a court or courts that would not be unduly burdened by the trial of the case. . . .

The Judicial Council, on the recommendation of its Advisory Committee on Change of Venue, in 1989 adopted sections 4, 4.1, and 4.2 of the Standards of Judicial Administration and a Change of Venue Information Sheet to assist courts before and after a change of venue is granted in a criminal case.

Section 4(a) and an accompanying comment recommend that the court attempt to impanel a fair and impartial jury before ordering a change of venue, unless there is clear evidence of a reasonable likelihood that a fair and impartial trial cannot be had in the county.

Section 4(b) states that the court, after ordering a change of venue, should consider bringing in a jury from another county, under Penal Code section 1036.7, rather than transferring the case.

Procedures for Change of Venue

Selection of the court to which venue is changed ordinarily involves the following steps:

- ☐ The motion to change venue is granted
- ☐ The judge who grants the motion advises the AOC of the pending transfer. The judge also relates the circumstances of the case, explains the basis for the transfer, and suggests possible appropriate sites for the trial of the case
- ☐ The AOC contacts presiding judges of suitable courts, including any suggested by the judge who granted the motion, to determine a court or courts that would not be unduly burdened by the trial of the case. A discussion is conducted regarding the circumstances of the case, the trial's probable length, any special security problems, and any other factors that might appropriately be considered. The relative workload of the courts and the opinion of the presiding judge regarding each court's ability to conduct the trial also are considered
- ☐ The judge who granted the motion is advised of one or more courts that would not be unduly burdened by the trial of the case
- ☐ The judge who granted the motion conducts a hearing as required by *McGown* v. *Superior Court* (1977) 75 Cal.App.3d 648, and determines the proper court for the trial of the case
- ☐ The AOC is notified of the choice and advises each of the courts previously contacted

Although no statute or rule requires the AOC to assist the trial courts in civil cases when a change of venue motion is granted, assistance will be provided upon the request of the judge granting the motion or the presiding judge.

Because of the burden on receiving courts, the Judicial Council stated in rule 4.1 that change of venue cases should be tried by judges from the originating courts, unless the originating and receiving courts agree otherwise.

Section 4.2 provides detailed guidelines for reimbursement of costs in criminal cases that are transferred pursuant to an order for change of venue. Combined with the Change of Venue Information Sheet, it is designed to help prevent disputes between originating and receiving counties over costs resulting from a change of venue.

CHAPTER 9

EXPANDING COURT AUTOMATION

In the modern court environment, new technologies that promise to increase efficiency and public access are of special interest. They include voice mail, electronic bulletin boards, optical scanners, software programs for judicial management, and computer-generated forms.

The Judicial Council is committed to providing guidance to courts that are planning to automate relevant judicial processes. Through the Administrative Office of the Courts (AOC), the council is evaluating and implementing many automation devices. For example, during 1990 the AOC began studies to test the feasibility of using facsimile machines for filing and service of court papers and of using electronic reporting to obtain trial transcripts. Following are details of these and other automation projects.

Fax Pilot Project

Code of Civil Procedure section 1012.5 mandates a pilot project in at least three superior and three municipal and justice courts to test the feasibility and cost savings of filing papers by facsimile (fax) transmission. During 1990, the Judicial Council established pilot projects in 13 superior, municipal, and justice courts and adopted rules 2001 to 2011, which permit other courts to join the project voluntarily. Two courts have done so. The council rules address the following issues and procedures:

- ☐ Which cases should permit fax filing
- ☐ Methods of acknowledging the filing
- ☐ Ways of handling documents with fax signatures
- ☐ Methods of payment of filing fees for documents filed by fax
- ☐ Form and format of papers filed by fax
- ☐ Types of equipment to be used
- ☐ Service of papers by fax on the other party
- ☐ Costs and benefits of fax filings for litigants and the courts
- ☐ Determination of the time a fax filing takes place
- ☐ Use of attorney service companies in fax filings

While the code does not limit the pilot project to any particular type of case, the use of fax machines in criminal cases could raise issues of due process. Accordingly, the rules implementing the statute for the pilot project apply only to noncriminal cases. Rule 2002 states that rules apply to "civil, probate, and family law proceedings," the most common and least complex noncriminal cases.

Assessing costs

In its report to the Legislature, the Judicial Council must consider "the cost to the courts for the equipment, supplies, additional staff, and administrative costs associated with the filing of legal documents by fax and how these costs should be recovered."

Concerned about incurring personnel costs for handling fax filings, some pilot courts charge a handling fee, while others charge a fax filing fee, or a fax usage fee for the entire case. The pilot project will identify the actual costs to the courts of processing fax filings.

Assessing methods and procedures

To determine the best methods and procedures for using facsimile transmission of court documents, the pilot project is testing a variety of approaches.

For example, the courts use several methods of acknowledging receipt to determine whether transmission or other errors can be corrected without the need for a court hearing. The pilot project also uses several different methods to handle filing fees on papers filed by fax. Since the selection of a method of handling the fee may impose an additional workload on a court, each court selected one or more methods. In addition, different types of equipment were loaned to pilot courts to identify those best suited for various court locations.

The pilot project will be completed on June 30, 1991, and a Judicial Council report is scheduled for submission to the Legislature on December 31, 1991. The Chief Justice has appointed an advisory committee to aid in evaluating the pilot project.

Pilot courts

All California trial courts were invited to participate in the fax pilot project. A total of 13 courts were chosen based on location, community type, and size. They are:

Superior Courts:
Los Angeles
Marin
Modoc
Orange
San Bernardino
Santa Clara
Ventura

Municipal and Justice Courts:
Crest Forest Justice
Monterey Municipal
Nevada Municipal
Oakland-Piedmont Municipal
South Bay (Los Angeles) Municipal
Visalia Municipal

Advisory Committee on the Fax Filing Pilot Project

Hon. Ronald M. Whyte, Chair
Judge, Superior Court
Santa Clara County

Hon. Albert Dover
Judge, Municipal Court
Nevada County Municipal Court District

Mr. Howard Hanson
Clerk/Administrator
Superior Court
Marin County

Mr. Kenneth E. Martone
Clerk, Superior Court
San Diego County

Ms. Katherine Tisdale
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Municipal Court
Monterey County Municipal Court District

Mr. Joseph A. Gazzigli
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Mr. John R. Haag
Attorney at Law
Los Angeles

Mr. James M. Hughes
Hughes Attorney Service, Inc.
San Diego

Mr. Hugh E. Johnson
Van Camp & Johnson
Los Angeles

Ms. Connie Melvin
Action Process Service
Fresno

Appellate Court Automation

The common functions and processes of appellate courts and their support agencies demonstrate a need to integrate judicial information. In response, the AOC established the California Appellate Court Information System (CAPIS) project during 1990 to define the information needs of the appellate courts.

CAPIS and PROMIS

Fully operational in all appellate courts, PROMIS is the current appellate court management information system. It is used to store basic facts about a case (case title, parties, attorneys, due dates, etc.) and to record various related activities, such as collecting fees, filing briefs, issuing correspondence, scheduling hearings, and filing dispositions.

This information is used by the court clerk's office and other court personnel to monitor the case's progress through the judicial system and to detect and prevent situations where action on the case might become overdue.

PROMIS also is used for related activities, such as generating correspondence, receipts, and other legal documents, and compiling statistical data in compliance with state reporting regulations.

PROMIS has major limitations: it automates only one area of the court—the clerk's office; it is difficult to maintain, modify, and upgrade; the utilities are difficult to use, which undermines effectiveness; and it is limited in its ability to integrate with other court systems.

The CAPIS objectives are as follows:

- ☐ Establish and support the concept of integrated systems to meet the current and future information needs of the appellate courts. The goal of integration is to reduce redundancy of processes and operations, thus contributing to efficient and timely handling of increased workloads
- ☐ Expedite case processing
- ☐ Ensure that justices, attorneys, and support staff have the necessary management tools to accomplish their functions and activities
- ☐ Provide economical processing using standardized hardware and software solutions
- ☐ Increase the accuracy of data
- ☐ Facilitate the transfer of data
- ☐ Provide public access to data within acceptable limits

During 1990, the AOC performed a functional analysis of the clerks' offices, chambers, appointed counsel, libraries, administrative systems, and public information systems. In 1991, the agency will identify the information systems needs of the appellate courts. It also will analyze alternatives and recommend a development plan for a comprehensive appellate court information system.

Electronic Bulletin Board System

In 1990, the AOC began development of an electronic Bulletin Board System (BBS) on a pilot basis. Scheduled to be made public in spring 1991, BBS will be used to transmit time-sensitive information from the California Supreme Court, the California Courts of Appeal, and the AOC. The information includes the full text of slip opinions and orders filed by the Supreme Court and the Courts of Appeal, the minutes and oral argument schedule of the Supreme Court, and AOC press releases. A nominal charge may be assessed for accessing the BBS.

Voice Systems

In 1990, the AOC conducted a vendor evaluation for the future installation of voice mail within the appellate courts.

OCTEL was chosen as the vendor that will be utilized in the courts. Implementation for all court sites is expected to begin in 1991 and be completed by 1993, depending on budget considerations.

The systems will offer prerecorded messages to standard questions, route calls to appropriate individuals, and provide voice mailboxes for employees. Future systems may allow callers to use the telephone for retrieving information from databases maintained by the clerks' offices in the Supreme Court and in the Courts of Appeal.

Imaging Study

At the request of the Court of Appeal, First Appellate District, and the Santa Clara County Superior Court, the AOC worked with court personnel to investigate the feasibility of using an imaging system to create an appellate record in a coordinated proceeding.

Various systems were reviewed that use optical technology to store and index electronically compressed images of pages, thereby eliminating the need for storage of the paper represented by the images and facilitating virtually instantaneous access to their content. The investigating team is planning to install the limited use pilot in May 1991.

Automation Support

At year-end 1990, STATSCAN statistical and case-processing systems were operating in 13 superior, municipal, and justice courts throughout the state. STATSCAN was established in 1985 to help courts collect workload data beyond that required by the Judicial Council and to develop management reports from local databases.

AOC technical support of the STATSCAN courts focused on:

- ☐ reestablishing support contracts with software vendors;
- ☐ hiring and completing training of data processing personnel to support the application systems and hardware; and
- ☐ providing support to grant courts.

In addition, the AOC began a prototype project to provide for the collection of case-level data from the municipal courts. In 1990, the effort focused on form 2-C reporting requirements. This prototype should be available for use by the AOC's Research and Statistics Unit in spring 1991. It will continue to be developed further throughout 1991.

CHAPTER 10

JUDICIAL EDUCATION

Judicial education and training programs for California judges, commissioners, and other court officials are provided by the Center for Judicial Education and Research (CJER), the educational branch of the state judicial system funded by the Judicial Council, and by the Training and Consulting Unit of the Administrative Office of the Courts (AOC). Generally, CJER is responsible for educational programs for judges and other judicial officers. The AOC is responsible for educational programs for court administrators and support personnel, as well as administrative and management training programs for judges, court administrators, and support personnel.

Following is a summary of 1990 activities.

Center for Judicial Education and Research

CJER has conducted 257 educational programs for 18,547 members of the California judiciary since 1973. These programs have included: 18 annual two-week Judicial Colleges (2,387 participants); 108 three-day continuing education institutes (11,900 participants); 139 monthly one-week orientation programs for new judges (1,669 participants); and 24 semiannual week-long Continuing Judicial Studies programs for experienced judges (2,234 participants).

In addition, CJER conducts special workshops to meet new judicial education needs. During 1990, it conducted two workshops on Proposition 115 (the Crime Victims Justice Reform Initiative) and a workshop entitled "Domestic Violence: The Crucial Role of the Criminal Court Judge."

Annual attendance at CJER rose from 435 judges and commissioners in the agency's first year to some 1,855 in fiscal year 1989–90. At year-end 1990, California had more than 1,490 judges and 300 commissioners and referees.

CJER Profile

CJER is funded by the Judicial Council and directed by an eight-judge Governing Committee appointed by the Chief Justice. Four committee judges are nominees of the California Judges Association and four represent the Judicial Council, chaired by the Chief Justice.

The Governing Committee acts as the center's policy board (see 49 State Bar J. 437). Its policies are implemented by a professional staff consisting of a director, an associate director, three assistant directors, five judicial attorneys, three judicial program coordinators, a publications coordinator, a video specialist, a supervising judicial secretary, six secretaries, and two office assistants.

CJER originally was funded by a grant from the Office of Criminal Justice Planning in recognition of the fact that overall improvement in the state's criminal justice system requires a highly competent and well-informed judiciary.

Since July 1976, CJER has been funded through annual state appropriations to the Judicial Council. Special projects are financed by state, federal, and private grant funds.

CJER provides a comprehensive educational system for California judges, including continuing education programs for the judiciary, orientation programs for new judges, and judges' benchbooks and other educational materials.

Orientation for new judges

CJER's educational system for new trial judges comprises five programs, which together provide five to six weeks of orientation and training during the new judge's first year of judicial service.

Advisor Judge (Mentor) Orientation
This program arranges for experienced judges to assist new trial judges in making the transition from law practice to the bench. A *Guide for Advisor Judges* outlines the steps advisor judges should follow to orient new judges to their judicial duties. Since 1974, nearly all California judges have participated in this program.

New Trial Judges Orientation
This one-week, in-residence program provides new trial judges and commissioners with basic training in judicial roles, tasks, and skills shortly after they take the bench. The program consists of 10 courses (35 hours total) that deal with judicial techniques and procedures for handling common court proceedings.

The program is conducted six times a year for new superior court judges and commissioners. It also is conducted, with different course content and instructors, six times a year for new municipal and justice court judges and commissioners. During fiscal year 1989–90, 144 new judges and commissioners took part in the program. Altogether 1,669 have taken part since the program began in 1977.

New Appellate Judges Orientation
This program was first held in March 1983 for 38 new appellate judges; the second program was held in 1986 for 18 new appellate judges; and the third program was held in 1988 for 28 new appellate judges.

Judicial College
The California Judicial College is an annual two-week, in-residence program providing comprehensive education for all new trial judges and commissioners appointed during the year.

Established in 1967, this nationally recognized program provides judges and commissioners with some 65 hours of problem-solving classes and 20 hours of small group seminars. The 1990 college was attended by 147 new judges and commissioners.

Judicial Visitation
This program, which provides judges with tours of state correctional institutions, began in 1988. The tours are designed to acquaint judges with the various institutions to which they may commit criminal defendants and juveniles, and to assist them in making appropriate sentencing choices.

Continuing education of judges

CJER's continuing education programs consist of nine annual institutes and three one-week California Continuing Judicial Studies programs.

To assist the California judiciary in keeping up-to-date with recent developments in the law and in solving current court problems, CJER conducts institutes for appellate court judges, civil trial judges, criminal court judges, family court judges, juvenile court judges, probate and mental health judges, municipal and justice court judges, and rural "cow county" superior court judges. A total of 903 judges and commissioners attended eight 1989–90 institutes, and 11,900 judges and commissioners have attended since 1973.

In addition, CJER conducts an annual institute for appellate research attorneys of the Courts of Appeal and superior courts. A total of 176 appellate research attorneys attended the 1990 institute, and 718 have attended since 1985.

Continuing Judicial Studies program

The Continuing Judicial Studies (CJS) program is a one-week, in-residence program designed to meet the advanced educational needs of experienced judges, particularly those whose court assignments are changing. The CJS program is the first "graduate level" program of its kind in the United States and features the most current adult educational techniques.

General programs for all judges are held semiannually, and a special annual program for incoming presiding judges of metropolitan superior and municipal courts has been held since November 1986.

The curriculum of the semiannual general programs consists of numerous courses that range from one day to five and one-half days in length.

The courses are generally divided into: (1) four week-long specialized programs for superior court judges, covering civil, criminal, family, and probate and mental health proceedings; (2) two week-long programs on civil and criminal proceedings for municipal and justice court judges; (3) one innovative, week-long program on judicial fact-finding and decision-making for all trial court judges; and (4) two programs on jurisprudence and the humanities for both trial and appellate court judges.

New courses include Judicial Ethics, Voir Dire and Trial Management, Death Penalty Trials, Domestic Violence in the Criminal Courts, and AIDS and the Courts. Additional courses deal with judicial fairness, communication skills, and judicial stress.

The fall CJS program features one-week court management courses for incoming superior and municipal court presiding judges. The curriculum focuses on criminal and civil case-flow management, trial court funding issues, internal management problems, and the development of effective working relationships with court personnel. The fall program also includes courses on family law and criminal adjudication.

A total of 304 judges and commissioners attended the three 1989–90 programs, and 2,234 have attended CJS programs since they began in 1981.

Publications, audio/video programs

CJER prepares numerous benchbooks and other educational materials for California judges. It also publishes the quarterly *CJER Journal*, which serves as a forum for the exchange of information, ideas, and successful working techniques among the California judiciary.

A complete description of CJER's judicial publications is found in the fall 1990 issue of *CJER Journal*.

CJER also publishes a *California Judges' Directory to Unpublished Judicial Materials*, which provides information about most material authored by judges for court or educational use.

In addition, CJER publishes a series of audiocassette tape and videotape programs covering selected areas of judicial practice and procedure. The series is designed for both new and experienced trial judges. A list of some 125 programs appeared in the fall 1990 issue of *CJER Journal*.

A central library of audio tapes and videotapes is located at the CJER office in Emeryville. Satellite libraries are located in Los Angeles, Sacramento, Yolo, Santa Clara, and San Francisco Counties for both municipal and superior courts.

Local Courts' Educational Liaison program

CJER's innovative Local Courts' Educational Liaison program has four principal functions: (1) to augment local court educational activities; (2) to bring to local courts videotapes of important programs presented at CJER institutes around the state as well as CJER studio-produced programs; (3) to augment CJER's Advisor Judge Orientation program; and (4) to help judges become educational liaisons between CJER and the local courts.

Seventy judges from courts with five or more judges have been named as liaisons to their local courts. Since the program's inception, CJER has produced approximately 15 videotapes in a studio setting and more than 50 videotapes of presentations made at CJER's continuing education programs.

The liaison judges show these videotapes at "brown bag" lunches in their local courts.

Training and Consulting Unit of the AOC

During 1990, the Training and Consulting Unit provided management consulting and training to California courts through the following activities:

1990 Court Management and Presiding Judges Conference

More than 400 presiding judges, court administrators, and county clerks met for three days at the conference, whose theme was "The California Courts: Taking Charge." Topics at this annual event included trial court funding, valuing differences, improving judicial effectiveness, performance standards, language diversity, press relations, emergency preparedness, district court proposals, and local rules.

"Developing Management Skills" conferences
Designed for mid-level management personnel of the California courts, two regional programs provided training for more than 725 support staff of the trial, appellate, and Supreme courts and the Commission on Judicial Performance. Coursework included topics such as managing personal and organizational change, building a winning team, project planning and management, networking and personal relations, ethics, language diversity, traffic, facilities, security awareness, case management, dealing with violent people, hiring and retaining good employees, dealing with the media, office politics, job burnout, conducting meaningful meetings, emergency preparedness, and writing clear reports.

Traffic adjudication workshop
More than 75 traffic commissioners and juvenile traffic court referees attended a two-day conference in October. The program provided a legislative update and covered a range of subjects, including bias in the court system, unlawful detainer, small claims, traffic accident investigation, stress management in the courtroom, and fish and game program enforcement and terminology.

"Improving Judicial Effectiveness" workshop
This workshop provided 30 trial judges with advanced training in management and leadership skills. The program was co-sponsored with the Institute for Court Management of the National Center for State Courts.

"Managing Trials" program
Co-sponsored with ICM and designed for superior court judges of Imperial, Orange, Riverside, San Bernardino, and Ventura Counties, the program provided 120 judges with training in expediting trial time. The program was offered in three separate, three-day modules.

California Judicial Administration Institute
The AOC participated in the development of the concept of a statewide training institute for court support staff and, in management areas only, judicial officers. Tentatively referred to as the California Judicial Administration Institute (CJAI), the concept was developed by a planning team of persons representing several segments of the court community. The members were chosen by their respective professional associations. Associations with representatives on the original planning team include the County Clerks Association of California, the California Association for Superior Court Administration, the Association of Municipal Court Clerks of California, and the Superior Court Clerks Association of the State of California.

CJAI is intended to help unify separate, individual, and sporadic training efforts and to function as a clearinghouse on training available to the courts. At its December 1990 meeting, the Judicial Council granted approval to develop the proposal as outlined and to circulate the report for statewide comment. A concept paper for grant funding through the State Justice Institute was filed subsequent to this approval. Contingent upon funding availability, CJAI's goal is to become operational in 1991 and to expand in scope as an ongoing institute in the future.

Updating the Basic In-Service Training program
In 1980, the AOC began to use the Basic In-Service Training (BIST) program as a means to improve training of court support personnel. BIST is a series of self-administered training programs covering subjects such as justice system orientation, superior court operations, and municipal court operations, and offering an overview of pending statewide court administrative enhancements. Completion of the program update and the distribution of revised materials are targeted for 1991.

Support of training by professional associations
In 1990, the AOC began assisting professional associations in furthering training efforts. The County Clerks Association developed a Trial Court Clerks Summer Training Institute in July 1990, which trained over 150 courtroom clerks. The Association of Municipal Court Clerks is developing a training certification program. The Jury Education and Management section of the California Association for Superior Court Administration sponsored a conference in October 1990.

Development of audio/videotape training library
The Alameda County Superior Court's clerk training videotapes were distributed to all the courts at a reduced cost. Developed by the Alameda County Clerk's Office, the series includes 18 videotapes and accompanying workbooks. In addition, audio tapes, videotapes, and other training materials have been made available on loan to the trial courts. Additional components of this library include several series on management, ethics, and valuing diversity.

Consulting
This unit provides assistance to the trial courts in the form of information and advice on modern court management techniques. Emphasis is placed on management consulting with statewide application. Assistance was provided to courts in the Counties of Butte, Humboldt, Kern, Kings, Los Angeles, Mendocino, Orange, Riverside, Sacramento, San Benito, San Francisco, San Luis Obispo, Siskiyou, Tehama, Tuolumne, and Yolo.

CHAPTER 11

SUMMARY OF 1990 LEGISLATION

During the 1990 legislative session, more than 240 court-related bills were enacted. Of these, the Judicial Council sponsored 10, including Assembly Bill No. 3820 (Brown), which extends the Trial Court Delay Reduction Act of 1986 to all California superior courts.

Other bills sponsored by the Judicial Council include Senate Bill No. 1147 (Lockyer), which provides for the simplified distribution of fines; Assembly Bill No. 2708 (Hansen), allowing compensation for court-appointed counsel for minors in custody and visitation hearings; and Assembly Bill No. 3358 (Frazee), which requires the council to study record-keeping practices in the trial courts and recommend to the Legislature uniform record management policies that incorporate new technology.

The Judicial Council also supported family law legislation, including sponsorship, in part, of two Omnibus Family Law bills introduced by the Assembly Judiciary Committee, Assembly Bill Nos. 3973 and 3974.

Following is a summary of important measures enacted into law during 1990.

Childhood sexual abuse

Senate Bill No. 108, introduced by Senator Lockyer, extends the statute of limitations for childhood sexual abuse actions from three to eight years from the date plaintiff reaches the age of majority or three years from the date plaintiff discovers that psychological injury or illness was caused by sexual abuse. This legislation requires plaintiffs over age 26 to file certificates of merit, which are to be reviewed and found sufficient by the court in camera before the name of any defendant may be stated in the complaint.

The bill was enacted as chapter 1578.

Delay reduction
Assembly Bill No. 3820, introduced by Assembly Speaker Brown, recasts the provisions of and makes permanent the Trial Court Delay Reduction Act of 1986 and applies its provisions to all cases filed in the pilot courts after January 1, 1991, and to all superior courts commencing July 1, 1992. It establishes statutorily required minimum time frames for key events in the civil litigation process, although it also provides that by mutual stipulation the parties may take a 30-day "hiatus" from the court-controlled case flow process. The legislation further provides for judge-controlled attorney participation in voir dire.

By July 1, 1991, the Judicial Council is required to adopt rules establishing a differential case management program system based on the relative complexity of cases.

The bill also regulates fringe benefits certain counties may provide to judges and prohibits counties from paying certain judges' retirement contributions.

The bill was enacted as chapter 1232.

Small claims jurisdiction
Assembly Bill No. 3916, introduced by Assembly Member Lempert, raises the monetary jurisdiction of small claims courts to $5,000 as of January 1, 1991, but prohibits a person from filing more than two small claims actions above $2,500 in any calendar year. This bill permits insurers to appeal small claims judgments against their insured in excess of $2,500 and raises from $250 to $1,000 the maximum amount of attorney fees that may be awarded to a plaintiff if the defendant's appeal from small claims court is found to be without merit. The bill also directs the Judicial Council to establish a system to collect certain data about small claims filings.

The bill was enacted as chapter 1683.

Megatrial study
Senate Bill No. 2063, introduced by Senator Robbins, requires the Judicial Council, in consultation with the Department of General Services and the State Architect, to study the feasibility of the operation of one to three megatrial facilities for cases that have extraordinary numbers of parties and counsel. The Judicial Council is to report its findings and recommendations to the Legislature on or before December 1, 1992.

The bill was enacted as chapter 1162.

Assigned judges
Assembly Bill No. 878, introduced by Assembly Member Johnston, clarifies that assigned judges and members of an oral examining board will be reimbursed for travel expenses in accordance with the State Board of Control Rules. The bill also eliminates the 10 percent reimbursement of the lending county when a part-time justice court judge sits on assignment, and it refines the process for making adjustments to the block grant of counties involved. The bill makes technical changes to the method of adjusting block grants and reaffirms the peace officer status of the coordinators of security for the judicial branch.

The bill was enacted as chapter 187.

Retired judges
Assembly Bill No. 2874, introduced by Assembly Member Tucker, permits retired judges to receive, in addition to a retirement allowance, 92 percent of the compensation of a judge of the court to which he or she is assigned, if service on assignment does not exceed 70 working days or 560 hours. The Judges' Retirement System continues to be reimbursed by the state. During the period of the assignment the state must pay 8 percent of the compensation to the Judges' Retirement System. The provisions of the bill become operative by local county option.

The bill was enacted as chapter 1281.

Assembly Bill No. 2964, introduced by Assembly Member Leslie, requires the Judicial Council to contract with up to 10 retired judges who are to be available for assignment to trial courts in counties that request judges. This bill is intended primarily to reduce civil trial delays in rural counties, which must reimburse the state for the additional costs of such assignments.

The bill was enacted as chapter 1146.

Court interpreters
Assembly Bill No. 3679, introduced by Assembly Member Cortese, directs the Judicial Council to collect, analyze, and publish statistics pertaining to the utilization of interpreters for non-English-speaking persons who appear in court proceedings.

The bill was enacted as chapter 1108.

Court interpreters for the hearing impaired
Senate Bill No. 2046, introduced by Senator Lockyer, revises several definitions relating to court interpreters for the hearing impaired, and requires the Judicial Council to adopt before January 1, 1992, guidelines for designating and approving agencies to certify such interpreters.

The bill was enacted as chapter 1450.

Television arraignments
Senate Bill No. 2545, introduced by Senator Vuich, and Assembly Bill No. 3678, introduced by Assembly Member Cortese, change the pilot project regarding the use of two-way television in criminal arraignments to allow any county to participate. The bills also require the Legislative Analyst to submit a final report on the fiscal aspects, and the Judicial Council to submit a final report on the policy aspects, of these pilot programs by December 31, 1991. The sunset date on pilot programs is extended to January 1, 1993.

These bills also clarify that a judge may accept a plea of guilty or no contest from a defendant charged with a misdemeanor who is not physically present in the courtroom. Senate Bill No. 2545 was enacted as chapter 1271. Assembly Bill No. 3678 was enacted as chapter 427.

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JUDICIAL COUNCIL ANNUAL REPORT
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, California 94107

Your name is on our mailing list for receipt of the annual report of the Judicial Council of California and the Administrative Office of the Courts. If you wish to continue receiving this report, please complete this card, place a stamp on the reverse side, and mail it. If the card is not returned by December 31, 1991, your name will be removed from the mailing list. Thank you for your cooperation.

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1991·ANNUAL·REPORT

Judicial Statistics for Fiscal Year 1989–90

JUDICIAL·COUNCIL OF·CALIFORNIA

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PROFILE OF THE CALIFORNIA JUDICIAL SYSTEM

The California Constitution vests the judicial power of the state in a Supreme Court, Courts of Appeal, superior courts, municipal courts, and justice courts (Cal. Const., art. VI, § 1). The superior, municipal, and justice courts are the state's trial courts; the Supreme Court and Courts of Appeal are appellate courts that primarily review trial court decisions.

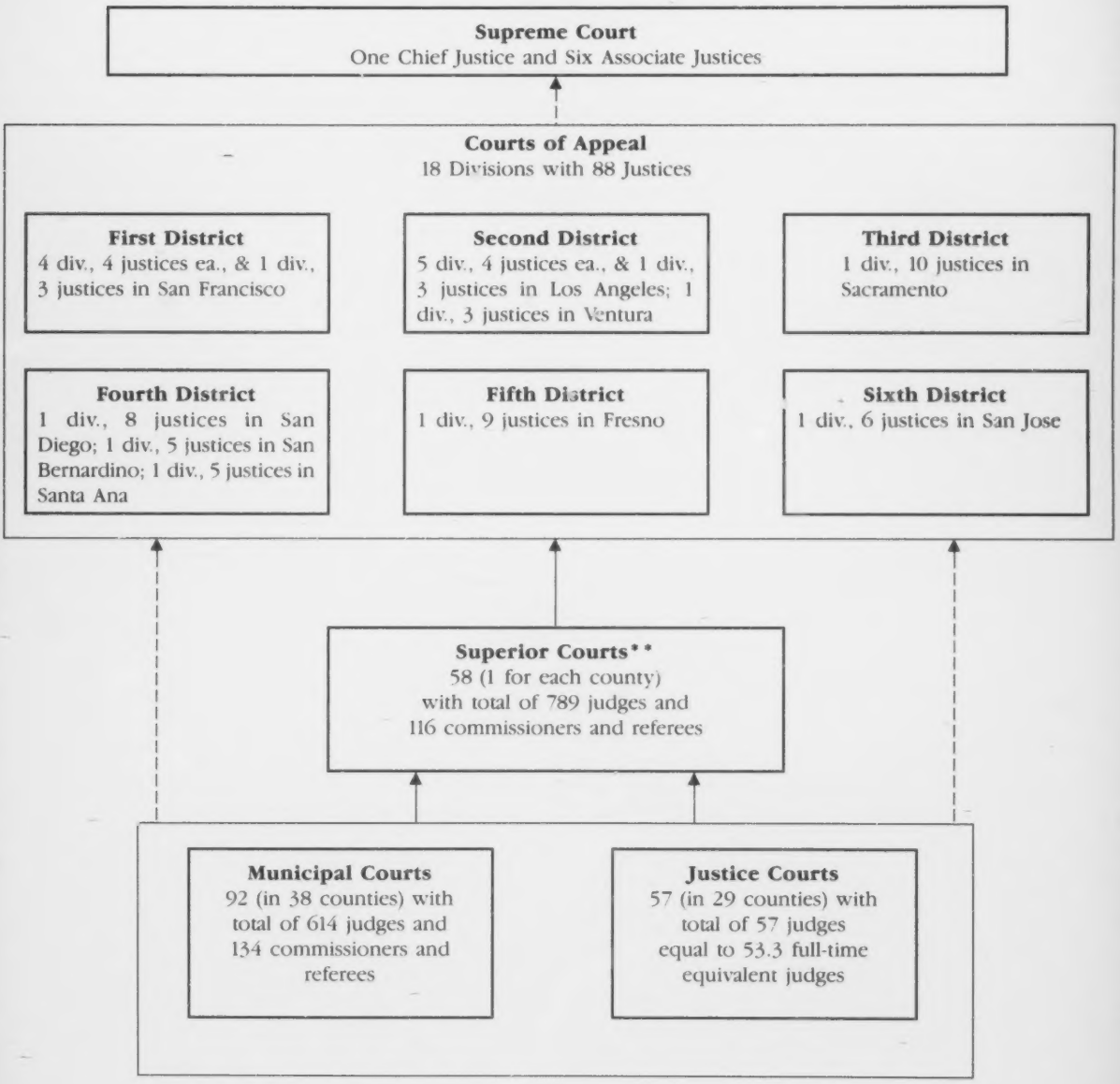
The Constitution also provides for three agencies concerned with judicial administration: the Judicial Council, which improves and expedites the administration of justice (Cal. Const., art. VI, § 6); the Commission on Judicial Appointments, which votes to confirm gubernatorial appointees to appellate court vacancies (Cal. Const., art. VI, §§ 7, 16); and the Commission on Judicial Performance, which deals with the admonishment, censure, removal, or retirement of judges for misconduct or disability (Cal. Const., art. VI, §§ 8, 18).

The California judicial system consists of 214 courts and 1,555 authorized judgeships.[1] The names of judges of the Supreme Court, Courts of Appeal, and superior courts are listed in the *California Official Reports*. Approximately 17.4 million cases were filed during fiscal year 1989–90; parking violations accounted for 6.2 million of these cases.

The annual cost of the judicial system, not including capital outlay for facilities, is $1.5 billion, with $649.8 million, or 43.6 percent, supplied by the state and the remainder funded by local county governments. Court revenues from fines, forfeitures, penalties, and court fees—$1.2 billion annually—are distributed to the state, counties, and cities. (Also see volume I, chapter 5, for more information.)

1 As of July 1, 1990, there were 1,504 filled judgeships in California. The number of filled judgeships during the fiscal year ranged from 1,434 to 1,516. References to judgeships in this summary refer to authorized positions.

CALIFORNIA COURT SYSTEM*


Supreme Court
One Chief Justice and Six Associate Justices
Courts of Appeal
18 Divisions with 88 Justices
First District
4 div., 4 justices ea., & 1 div., 3 justices in San Francisco
Second District
5 div., 4 justices ea., & 1 div., 3 justices in Los Angeles; 1 div., 3 justices in Ventura
Third District
1 div., 10 justices in Sacramento
Fourth District
1 div., 8 justices in San Diego; 1 div., 5 justices in San Bernardino; 1 div., 5 justices in Santa Ana
Fifth District
1 div., 9 justices in Fresno
Sixth District
1 div., 6 justices in San Jose
Superior Courts**
58 (1 for each county) with total of 789 judges and 116 commissioners and referees
Municipal Courts
92 (in 38 counties) with total of 614 judges and 134 commissioners and referees
Justice Courts
57 (in 29 counties) with total of 57 judges equal to 53.3 full-time equivalent judges

_____ Line of Appeal
---------- Line of Discretionary Review

* Total number of judges refers to authorized judicial positions as of July 1, 1990.

** Death penalty cases are automatically appealed from the superior court directly to the Supreme Court.

CHAPTER 1

CALIFORNIA SUPREME COURT

During fiscal year 1989–90, California Supreme Court filings increased 13 percent to a record high of 5,144 (table 1). The largest increase (+256) occurred in petitions for review of Court of Appeal decisions. New filings of automatic appeals in death penalty cases, each of which requires extensive court time to complete, dropped from 37 to 34 last year.

Filings related to State Bar disciplinary matters rose 49 percent (+ 160 filings) over the previous year's high (tables 1 and 4). Most of this increase occurred in cases filed with a State Bar recommendation of discipline. For example, cases in which suspension or probation was recommended more than doubled, rising from 89 during 1988–89 to 187 in 1989–90. Increases also occurred in disbarment cases and in voluntary resignations from the bar with disciplinary proceedings pending. The new State Bar Court has been in operation since September 1989.

The Supreme Court decided 100 cases by written opinion (table 6). Dispositions included 20 automatic appeals, 17 by written opinion in the appeal and 1 by dismissal after a related habeas corpus petition was granted. The court disposed of a total of 29 habeas corpus matters related to automatic appeals (table 1).

Original Proceedings

Original proceedings ("writ matters") filed in the Supreme Court during 1989–90 increased by 182 over the previous year (table 1). Habeas corpus petitions increased by 233, while other criminal writ filings decreased by 23 (table 3). Miscellaneous civil writ matters decreased by 32 to a total of 127, although four more Public Utilities Commission matters were filed during 1989–90 than during the previous year. Overall, the number of civil writ petitions filed during 1989–90 decreased by 28 (table 3).

Each original petition is evaluated by the Supreme Court to determine whether it presents a question of substantial merit and whether it should be reviewed by the court. The Supreme Court in 1989–90 issued alternative writs or orders to show cause in 64 of the approximately 1,200 original petitions filed, most returnable before a lower court.

Business Transacted

During fiscal year 1989–90, the Supreme Court granted 150 petitions for review out of 3,402 filed, which amounted to the same percentage (4 percent) as the previous fiscal year (table 6). Of the 150 matters in which review was granted, 44 were granted and held for an expected decision in a lead case, and 45 were granted and transferred to a Court of Appeal for further proceedings. The percentage of cases in each category was similar to the previous year's percentages (table 5).

The court also issued 3,183 "routine and miscellaneous" orders (table 7). Many of these orders were issued in pending death penalty appeals and related to the completion of the record, briefing, and the appointment and compensation of counsel.

Supreme Court Profile

The Supreme Court of California is the state's highest court. Its decisions are binding on all other California state courts.

The Supreme Court consists of the Chief Justice of California and six Associate Justices. Members of the Supreme Court are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The appointments are confirmed by the public at a general election; justices also come before the voters at the end of their 12-year terms.

To be considered for appointment, a person must be an attorney admitted to practice law in California or have served as a judge of a court of record in this state for the 10 years immediately preceding appointment (Cal. Const., art. VI, § 15).

Regular sessions are held in Los Angeles, Sacramento, and at the court's headquarters in San Francisco. The Supreme Court may review decisions of the state Courts of Appeal (Cal. Const., art. VI, § 12). This reviewing power enables the Supreme Court to decide important legal questions and to maintain uniformity in the law.

The Supreme Court may select specific issues for review, or it may decide all the issues in a case (Cal. Const., art. VI, § 12). In unusual situations involving matters of great importance, the Supreme Court can transfer a case from a Court of Appeal to itself without waiting for the Court of Appeal decision.

The Supreme Court is required to decide the appeals in all cases in which a judgment of death has been pronounced by the trial court (Cal. Const., art. VI, § 11). Under state law, these cases automatically are appealed directly to the Supreme Court, without first going to a Court of Appeal (Pen. Code, § 1239, subd. (b)).

The Supreme Court also has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. Is also has original jurisdiction in habeas corpus proceedings (Cal. Const., art. VI, § 10).

In addition, the Supreme Court reviews the recommendations of the Commission on Judicial Performance concerning the discipline of judges for misconduct, as well as decisions of the Public Utilities Commission. The court also reviews specified recommendations of the State Bar Court concerning the discipline of attorneys.

Changes in Data Reporting

To assist the Supreme Court in processing its caseload, enhancements were made to the court's computerized docket shortly before the start of fiscal year 1989–90. The docket initially was automated during fiscal year 1987–88. As a result of the most recent changes, the tables and graphs that accompany this chapter have been reorganized, and in some cases, new data have been added. For example, this chapter now includes "habeas petitions related to automatic appeals," and additional new data may be provided in future reports.

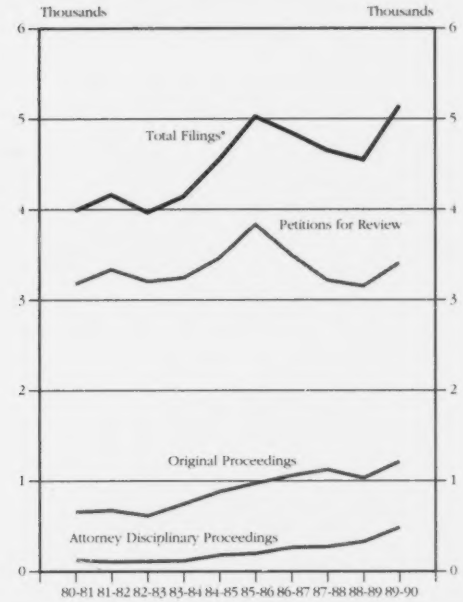
Improving Court Operations

During 1990, the Supreme Court improved court operations in several ways. It revised payment guidelines for attorneys in death penalty and other criminal appeals, in response to extensive comments from numerous legal organizations. The guidelines, which are designed to assist the court in determining the reasonableness of fee and expense requests, were last revised in January 1987.

The court also adopted new rules to streamline its review of attorney disciplinary cases. Under the new procedures, many ministerial and administrative matters formerly handled by the Supreme Court are now performed by the State Bar Court. In addition, the Supreme Court adopted new rules in January 1991 that provide that it will consider the merits of the petition for review in all contested matters, but will grant full oral argument and issue a written opinion only in cases in which sufficient grounds for additional review are demonstrated. These new procedures are expected to result in a substantial decrease in the number of State Bar cases in which the Supreme Court must hold hearings and write opinions.

In February 1991, the Supreme Court moved to new, modern quarters in Marathon Plaza in San Francisco's Financial District, after more than 70 years in the city's State Building, located in the Civic Center area. For the first time in many years, the justices and staff have adequate office space and modern facilities.

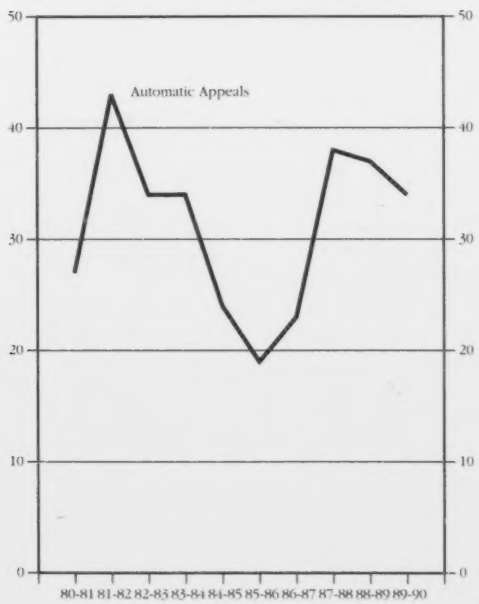
FIGURE 1-Filings
Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 1

*Includes automatic appeals, petitions for review, original proceedings, and attorney disciplinary proceedings. Does not include all matters requiring Supreme Court action, such as requests for publication.

FIGURE 2-Automatic Appeals Filed
Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 1

Summary of Filings and Dispositions Fiscal Years 1980–81 through 1989–90

Fiscal year	*Total* (A)	*Automatic appeals* (B)	*Habeas related to automatic appeals* (C)	*Petitions for review* (D)	*Original proceedings* (E)	*Attorney disciplinary proceedings* (F)
Filings						
1980–81	3,988	27	–	3,179	658	124
1981–82	4,164	43	–	3,338	675	108
1982–83	3,969	34	–	3,205	617	113
1983–84	4,143	34	–	3,244	747	118
1984–85	4,551	24	–	3,464	882	181
1985–86	5,026	19	–	3,834	974	199
1986–87	4,847	23	–	3,498	1,060	266
1987–88	4,653	38	–	3,217	1,125	273
1988–89	4,549	37	29	3,153	1,031	328
1989–90	**5,144**	**34**	**30**	**3,409**	**1,213**	**488**
Dispositions						
1987–88	–	33	–	3,103	–	–
1988–89	–	51[r]	17	3,140	1,182	–
1989–90	**–**	**20**	**29**	**3,352**	**1,158**	**–**

(A) (B) + (D) + (E) + (F). The only categories for which ten years of data are available are (B), (D), (E), and (F).
(B) Death penalty cases.
(C) Includes petitions filed both before the court has issued an opinion in the related automatic appeal and after affirmance.
(D) Includes appeals and writs from the Court of Appeal. Detailed breakout is shown in Table 2. The numbers prior to 1981–82 are dispositions. This is used as an estimate of petitions filed because of the short time between filing and action upon a petition (see Cal. Rules of Court, rule 28(a) and (e)).
(E) Petitions for writs filed in the court's original jurisdiction. Detailed breakout is shown in Table 3.
(F) All filings related to attorney disciplinary matters. Detailed breakout is shown in Table 4.
r Revised.

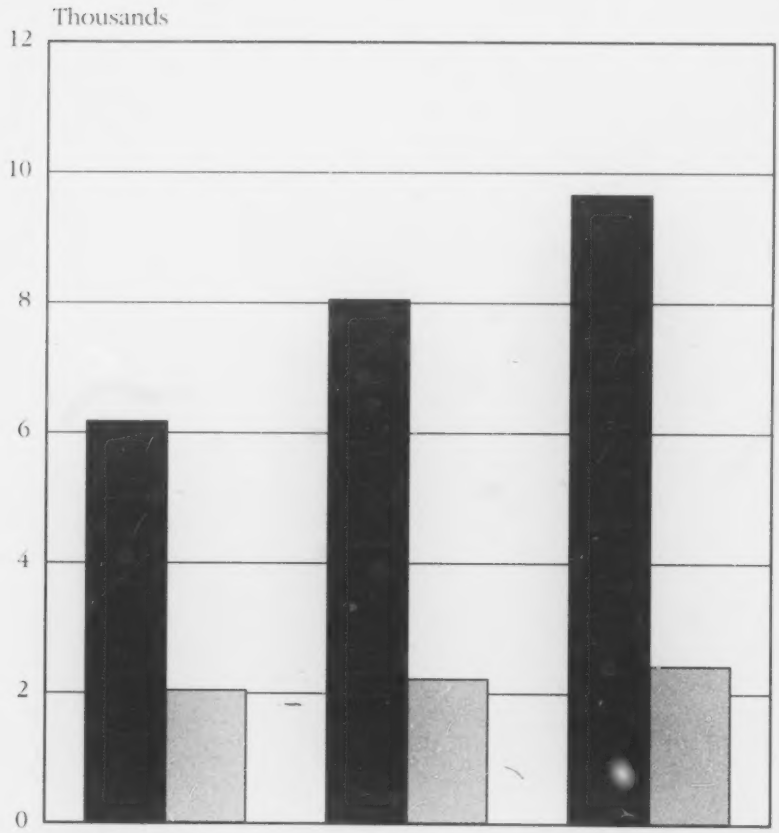
Supreme Court
Table 2

Summary of Filings and Dispositions Petitions for Review Fiscal Years 1980–81 through 1989–90

Fiscal year	*Grand total* (A)	*Civil*			*Criminal*		
		Total (B)	*Appeals* (C)	*Writs* (D)	*Total* (E)	*Appeals* (F)	*Writs* (G)
Filings							
1980–81	3,179	1,582	925	657	1,597	1,132	465
1981–82	3,338	1,599	921	678	1,739	1,148	591
1982–83	3,205	1,575	942	633	1,630	1,050	580
1983–84	3,244	1,723	1,100	623	1,521	1,071	450
1984–85	3,464	1,737	1,020	717	1,727	1,203	524
1985–86	3,834	1,830	1,044	786	2,004	1,444	560
1986–87	3,498	1,769	1,092	677	1,729	1,212	517
1987–88	3,217	1,687	1,107	580	1,530	1,135	395
1988–89	3,153	1,561[r]	989	572	1,592	1,232	360
1989–90	**3,409**	**1,633**	**1,040**	**593**	**1,776**	**1,387**	**389**
Dispositions							
1987–88	3,103	1,630[r]	1,082	548	1,473	1,101	372
1988–89	3,140	1,583[r]	998	585	1,557	1,202	355
1989–90	**3,352**	**1,619**	**1,019**	**600**	**1,733**	**1,345**	**388**

(A) (B) + (E).
(B) (C) + (D).
(C) Cases in which the Court of Appeal case was a civil appeal.
(D) Cases in which the Court of Appeal case was a criminal original proceeding, including petitions for writ of habeas corpus
(E) (F) + (G).
(F) Cases in which the Court of Appeal case was a criminal appeal.
r Revised.

FIGURE 3-Petitions for Review Filed as a Percent of Appeals Decided by Court of Appeal Opinions Fiscal Years 1979–80, 1984–85, and 1989–90



	1979-80	1984-85	1989-90
Appeals Disposed of by Opinion in the Court of Appeal	6,175	8,051	9,663
Petitions for Review of Appeals Filed in the Supreme Court	2,044	2,223	2,427
	33%	28%	25%

Supreme Court
Table 3

Summary of Filings and Dispositions Original Proceedings Fiscal Years 1980–81 through 1989–90

Fiscal year	*Grand total* (A)	*Civil*			*Criminal*		
		Total (B)	*PUC* (C)	*Other* (D)	*Total* (E)	*Habeas* (F)	*Other* (G)
Filings							
1980–81	658	195	–	195	463	–	463
1981–82	675	204	–	204	471	–	471
1982–83	617	206	–	206	411	–	411
1983–84	747	209	–	209	538	–	538
1984–85	882	167	–	167	715	–	715
1985–86	974	169	–	169	805	–	805
1986–87	1,060	188	–	188	872	–	872
1987–88	1,125	156[r]	–	156[r]	969	911[r]	58
1988–89	1,031	166[r]	7	159	865	803[r]	62[r]
1989–90	**1,213**	**138**	**11**	**127**	**1,075**	**1,036**	**39**
Dispositions							
1987–88	–	–	–	–	–	–	–
1988–89	1,182	137	–	137	1,045	985[r]	60
1989–90	**1,158**	**145**	**9**	**136**	**1,013**	**977**	**36**

(A) (B) + (E).
(B) (C) + (D).
(C) Filings to appeal Public Utility Commission decisions.
(D) 1988–89 and 1989–90 exclude PUC cases, now shown in (C).
(E) (F) + (G).
(F) Petitions for writ of habeas corpus filed in the Supreme Court's original jurisdiction, not including filings related to automatic appeals.
(G) 1987–88, 1988–89, and 1989–90 exclude petitions for writ of habeas corpus, now shown in (F).
r Revised.

Supreme Court
Table 4

Attorney Disciplinary Proceedings Filed Fiscal Years 1980–81 through 1989–90

	1980–81	*1981–82*	*1982–83*	*1983–84*	*1984–85*	*1985–86*	*1986–87*	*1987–88*	*1988–89*	***1989–90***
Record of conviction of crime filed										
—Suspension ordered because offense involved moral turpitude	30	10	32	28	32	33	28	35		
—Referred to State Bar for determination whether offenses involved moral turpitude	10	6	12	14	28	38	51	58	95[c]	**122[c]**
State Bar recommendations of suspension or probation	57	60	38	52	74	70	61	91	89	**187**
State Bar recommendations of disbarment	10	7	8	6	12	22	25	36	39	**52**
State Bar filing without specific recommendation[a]	9	8	11	8	10	4	16	15	2	**9**
Resignation while disciplinary proceedings pending	7	16	12	8	24	30	85	40	102	**118**
Petitions for reinstatement	1	1	0	2	1	2	0	0	1	**0**
Total filings[b]	124	108	113	118	181	199	266	273	328[r]	**488**

a Or recommendation not noted on docket.
b Accusations seeking independent review by the Supreme Court without prior recommendation are not included. Accusations are now filed as civil original proceedings.
c Automated docket data beginning January 1, 1989, does not distinguish offenses that appear to involve moral turpitude as opposed to other crimes.
r Revised.

Supreme Court
Table 5

Summary of Petitions for Review
Fiscal Year 1989–90

	Filed (A)	*Actions taken on petitions for review*					
		Total (B)	*Granted* (C)	*Granted and held* (D)	*Granted and transferred* (E)	*Denied* (F)	*Percent granted* (G)
Total	3,409	3,402	61	44	45	3,252	4%
Total civil	1,653	1,659	51	22	33	1,553	6
Civil appeals	1,040	1,056	39	16	12	989	6
Civil writs	593	603	12	6	21	564	6
Total criminal	1,776	1,743	10	22	12	1,699	3
Criminal appeals	1,387	1,363	7	22	7	1,327	3
Criminal writs (including habeas)	389	380	3	0	5	372	2

(A) From Table 2.
(B) Sum of columns (C) through (F).
(G) 100 × [(C) + (D) + (E)]/(B)

Supreme Court
Table 6

Business Transacted
Fiscal Years 1980–81 through 1989–90

Fiscal year	*Written opinions* (A)	*Petitions for review*[a] *Granted* (B)	*Granted and held* (C)	*Granted and transferred* (D)	*Denied* (E)	*Percent granted* (F)	*Alternative writ or orders to show cause* (G)	*Original proceedings disposed of without opinion* (H)
1980–81	114	267	–	–	2,912	8%	40	523
1981–82	123	280	–	–	3,086	8	53	514
1982–83	133	286	–	–	2,980	9	61	427
1983–84	126	318	–	–	3,003	10	60	585
1984–85	125	318	–	–	2,966	10	49	716
1985–86	144	278	–	–	3,450	7	46	789
1986–87	85	224	–	–	3,169	7	67	818
1987–88	122	57	51	98	3,066	6	55	918
1988–89	120	41	38	61	3,052	4	92	1,118
1989–90	**100**	**61**	**44**	**45**	**3,252**	**4**	**64**	**1,115**

(B) 1987–88 and subsequent years exclude granted and held and granted and transferred, now shown in (C) and (D). Prior years include granted and held and granted and transferred.
(F) Sum of (B) through (D) divided by sum of (B) through (E).
(H) Original proceedings disposed of without an alternative writ or order to show cause. Includes administrative transfers to the Court of Appeal.
a The Supreme Court's exercise of its discretion to grant or deny petitions for review constitutes a significant part of its workload.

Supreme Court
Table 7

Miscellaneous Business Transacted Fiscal Years 1980–81 through 1989–90

Fiscal year	*Motions denied or granted* (A)	*Rehearings*		*Routine and miscellaneous orders* (D)	*Executive clemency applications* (E)
		Granted (B)	*Denied* (C)		
1980–81	264	0	62	2,821	20
1981–82	40	0	57	3,132	18
1982–83	47	2	55	3,688	65
1983–84	51	1	43	4,221	70
1984–85	56	0	28	4,270	79
1985–86	73	4	41	3,076	18
1986–87	56	10	38	2,642	26
1987–88	15	4	45	2,270	7
1988–89	70	5	62	2,717*	15
1989–90	**38**	**0**	**36**	**3,183**	**1**

(A) Excludes granted motions to dismiss reported under appeals.
(E) See Cal. Const., art. V, § 8.

CHAPTER 2

COURTS OF APPEAL

During fiscal year 1989–90, the state Courts of Appeal disposed of a record number of appeals and reported another record number of filings. Filings of appeals and original proceedings increased 9 percent over the year before (table 3). A total of 20,248 appeals and original proceedings were filed (13,012 records of appeals and 7,236 petitions in original proceedings).

As table 3 shows, records are filed in only about 70 percent of civil cases in which notices of appeal are filed. The other 30 percent of civil appeals are settled or abandoned before the record is filed. Criminal appeals, however, generally result in a record on file.

Appeals as a percentage of contested cases decided by superior courts also increased significantly. Approximately 26 of every 100 contested civil cases tried in superior courts were appealed to the Courts of Appeal during 1989–90. The ratio for criminal cases was 132 appeals for every 100 convictions after contested trials in superior courts (table 4). The corresponding ratios in 1988–89 were 21 appeals per 100 contested civil dispositions and 125 appeals per 100 convictions after contested criminal trials.

These increases in the percent of superior court cases appealed account for the higher number of appeals. The number of contested superior court dispositions was nearly the same in 1989–90 as in the previous year.

Of the total notices of appeal filed, 8,785 were in civil actions and 6,552 were in criminal cases.

Also in 1989–90, the Courts of Appeal disposed of a record number of appeals: 10,416 appeals and original proceedings were disposed of by 9,719 majority opinions. This is 10 percent more than in the preceding year. Several majority opinions disposed of two or more consolidated or related cases (tables 1 and 5).

The courts wrote a total of 112 majority opinions per judge-equivalent, based on an estimate of the justices actually available to handle cases in the Courts of Appeal during 1989–90 (table 1 and figure 3).

In 1989–90, the Courts of Appeal affirmed the trial courts in 95 percent of defendants' criminal appeals decided. In criminal appeals filed by the prosecution, however, the contested trial court rulings were affirmed only 27 percent of the time. This indicates that the prosecution was usually successful in the few cases it decided to appeal (table 7).

Fiscal 1989–90 was the first year that the courts' computerized docketing system permitted tabulation of the outcome of civil and juvenile appeals. Almost two-thirds of civil appeals decided by opinion were affirmed in full, and another 10 percent were affirmed with modifications, for a total affirmance rate of 76 percent. The affirmance rate in juvenile delinquency appeals was similar to the rate in adult criminal cases. The affirmance rate in other juvenile cases, such as neglect and dependency, was 84 percent (table 8).

During 1989–90, 11 percent of the majority opinions of the Courts of Appeal were certified for publication in full or in part, almost the same percentage as in the past few years (table 11).

The overall time from commencing an appeal by filing a notice of appeal to its decision by opinion continues to be a source of concern. There is no district in which it is likely that a civil appeal will be decided within one year. Statewide, the appeal is likely to take 500 days or more to decision (figure 4-A). The outlook is somewhat better for criminal appeals, for which the statewide median time from filing to decision is about 430 days, and fewer cases require an extremely long time (figure 4-B). In both types of appeals, studies indicate that most of the delay is beyond an appellate court's control. For example, the court typically must wait a significant amount of time for the record to be completed.

Courts of Appeal Profile

The Courts of Appeal, established by a constitutional amendment in 1904, are California's intermediate courts of review. They have appellate jurisdiction when superior courts have original jurisdiction and in certain other cases prescribed by statute.

Like the Supreme Court, the Courts of Appeal have original jurisdiction in habeas corpus, mandamus, certiorari, and prohibition proceedings.

California has six appellate districts, each with at least one division. Each division is headed by a presiding justice and has two or more associate justices; all are appointed by the Governor and must be confirmed by the Commission on Judicial Appointments.

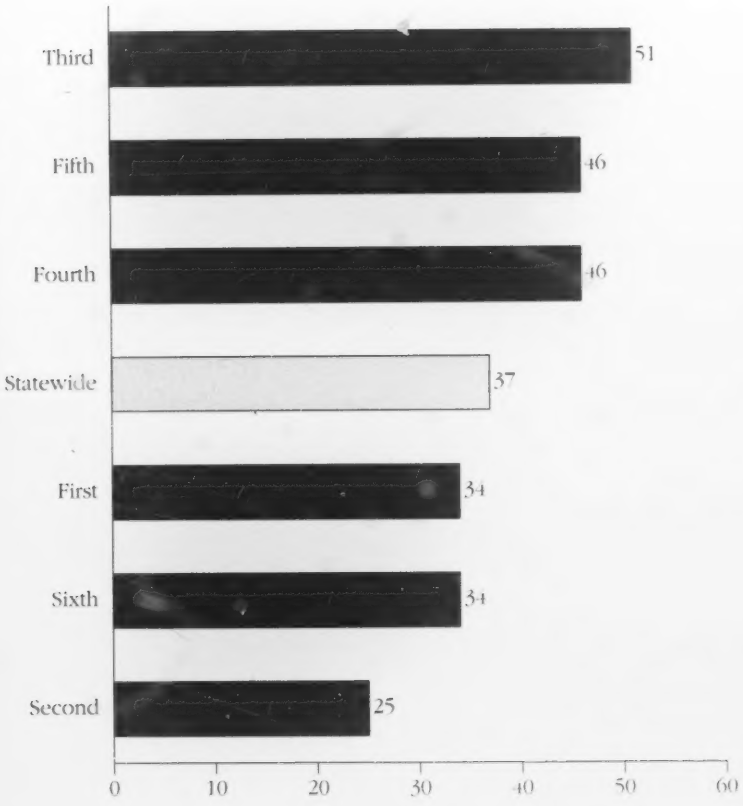
The same rules governing the selection of Supreme Court justices apply to those serving on the Courts of Appeal. The Legislature has constitutional authority to create new Court of Appeal districts and divisions.

The six appellate districts comprise 18 divisions and 88 justices. District locations are: First District, San Francisco; Second District, Los Angeles (with one division in Ventura); Third District, Sacramento; Fourth District, San Diego, San Bernardino, and Santa Ana; Fifth District, Fresno; Sixth District, San Jose.

Cases are decided by three-judge panels. Decisions of the panels, known as opinions, are published in the *California Appellate Reports* if they meet certain criteria for publication. In general, opinions are published if they establish a new rule of law, involve a legal issue of continuing public interest, criticize existing law, or make a significant contribution to legal literature.

During fiscal year 1989–90, 11 percent of Court of Appeal opinions were certified as meeting the criteria for publication.

FIGURE 1-Ratio of Pending Fully Briefed Appeals Per 100 Appeals Disposed of by Written Opinion For Appeals Pending as of June 30, 1990 And Disposed of in 1989–90



SOURCE: TABLE 1
[(C)-(D)]x100

Figure 1

- The ratio of pending fully briefed appeals to appeals disposed of by written opinion is a measurement that accounts for pending workload as well as judicial productivity. The ratio is an estimate of time a court needs to dispose of pending fully briefed appeals. A ratio of 100 is equivalent to one year, 50 is equivalent to six months, etc. The estimate is based on the assumption that the court will decide the same number of appeals in 1990–91 as in 1989–90.
- The Second District had the lowest ratio among the six appellate districts. Given the assumption noted above, it would take about three months for the court to dispose of its pending appeals. This also was the only district to have a ratio significantly less than the statewide ratio of 37.
- As of June 30, 1990, the Third District had 51 pending fully briefed appeals per 100 appeals disposed of by opinion. While this was the highest ratio among the six appellate districts, it was a significant improvement over the ratio of 64 reported by the Third District as of June 30, 1989.
- The Sixth District had the second highest ratio as of June 30, 1989, but the second lowest ratio as of June 30, 1990. The ratio was 63 as of June 30, 1989, and 34 as of June 30, 1990. This change reflects the extraordinarily high number of decisions made by Sixth District judges by written opinion during 1989–90 (see figure 3).

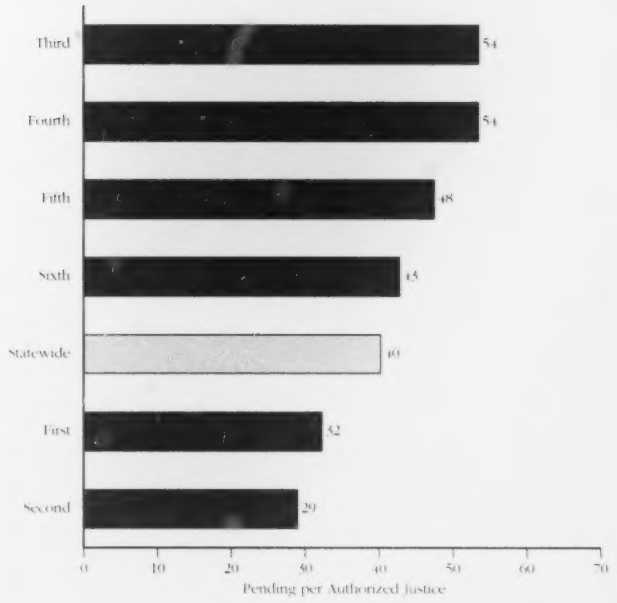
Figure 2

- The Third and Fourth Districts reported the highest number of pending fully briefed appeals per authorized justice as of June 30, 1990, with 54 appeals per justice.
- With 29 pending fully briefed appeals per authorized justice, the Second District reported the lowest number of such appeals. The First District and the Second District were the only districts to fall significantly below the statewide average of 40.

Figure 3

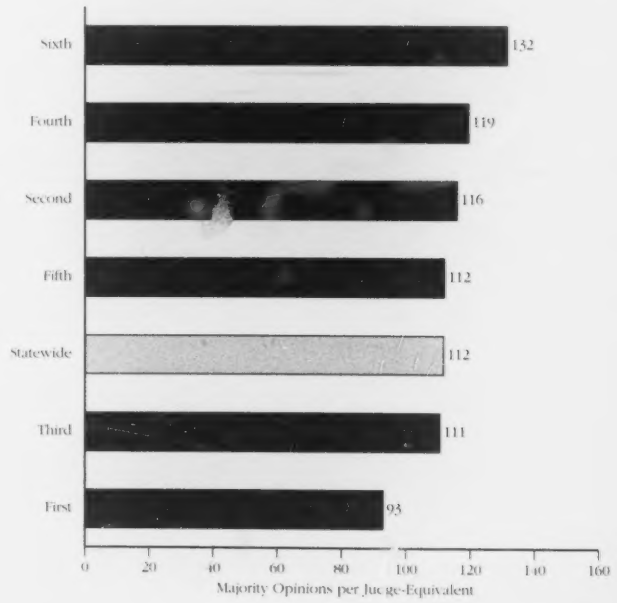
- "Judge-equivalent" is a measure of judicial resources available to perform court business. The numbers are calculated by taking authorized justices and adjusting for judicial vacancies, assistance given to other courts, and assistance received from assigned justices.
- The Sixth District reported the highest rate of dispositions by opinion with 132 dispositions by opinion per judge-equivalent in 1989–90.
- The First District reported the lowest disposition rate with 93 such dispositions. However, figure 2 shows that the number of pending appeals per justice is lower than average, which reflects fewer cases available for the justices. Also, figure 6 shows that the First District had fewer notices filed per justice than did other districts.
- Less variation among the districts is reported for dispositions by opinion than for pending fully briefed appeals (figure 2).
- High rates of disposition are not necessarily desirable. In view of the constitutional requirements of a reasoned written opinion, a justice should be expected to decide only a specific maximum number of cases.

FIGURE 2-Pending Fully Briefed Appeals Per Authorized Justice As of June 30, 1990



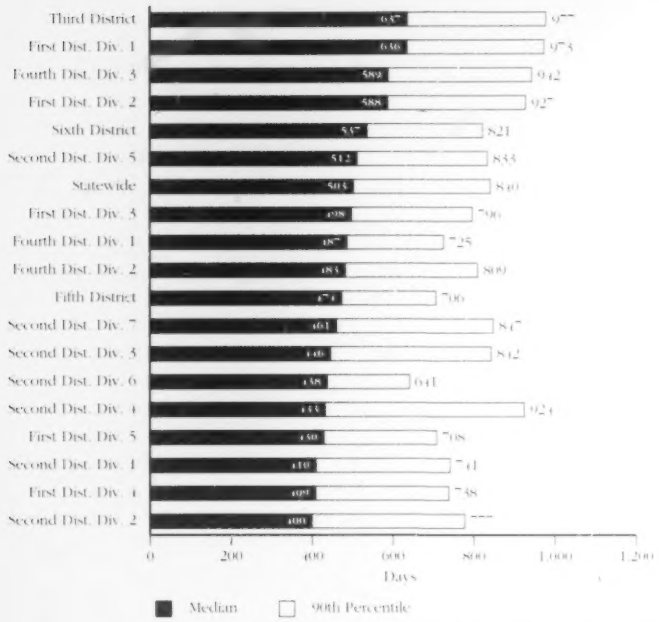
SOURCE: TABLE 1
(C)/(A)

FIGURE 3-Majority Opinions per Judge-Equivalent Appeals and Original Proceedings Fiscal Year 1989–90



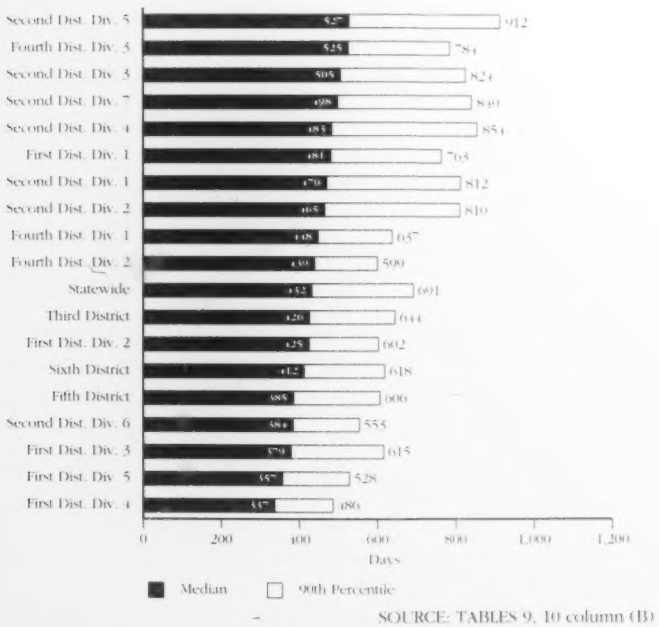
SOURCE: TABLE 1
[(E)+(F)]/(B)

FIGURE 4-A-Median and 90th Percentile Times in Days from Notice of Appeal to Filing of Opinion for Civil Appeals Disposed of During Fiscal Year 1989–90



SOURCE: TABLES 9, 10 column (A)

FIGURE 4-B-Median and 90th Percentile Times in Days from Notice of Appeal to Filing of Opinion for Criminal Appeals Disposed of During Fiscal Year 1989–90



SOURCE: TABLES 9, 10 column (B)

Figure 4-A

- Dark portions of the bars represent the medians. Combined dark and light portions represent 90th percentiles. Median time refers to the value where half the cases fall above and half below. The 90th percentile time is the value where 10 percent of the cases fall above and 90 percent fall below.
- The addition of 90th percentiles in this year's report gives a more complete picture of case-processing times.
- The Third District reported the longest median and 90th percentile times from notice of appeal to filing of opinion. The time from notice to opinion was greater than 637 days for half and greater than 977 days for 10 percent of the civil appeals disposed of in 1989–90.
- Division Two, Second District, had the shortest median time for civil appeals with 400 days from notice of appeal to opinion. Division Six, Second District, had the shortest 90th percentile time with 641 days.

Figure 4-B

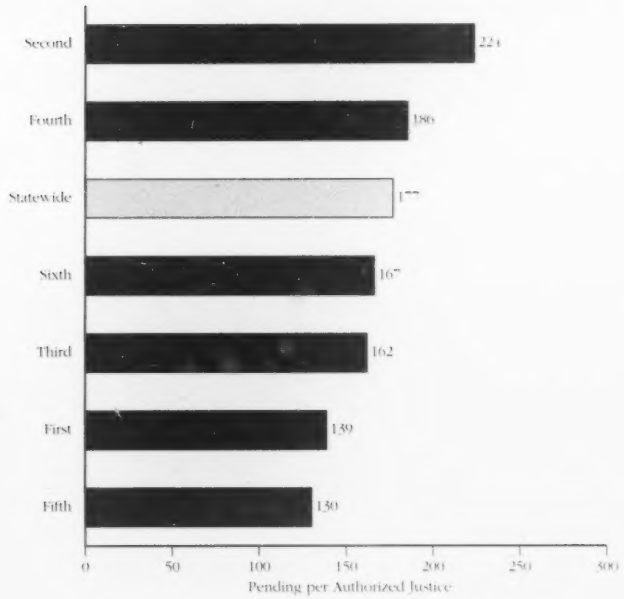
- Division Four of the First District had the shortest median and 90th percentile times for criminal appeals. The time from notice to opinion was greater than 337 days for half and greater than 486 days for 10 percent of the criminal appeals disposed of in 1989–90.

Data Supporting Performance Indicators Fiscal Year 1989–90

District	*Number of authorized justices* (A)	*Full-time judge equivalent* (B)	*Pending fully briefed appeals* (C)	*Appeals disposed of by written opinion* (D)	*Majority opinions*	
					Appeals (E)	*Original proceedings* (F)
First	19	18.9	614	1,823	1,685	72
Second	26	26.1	746	2,980	2,917	109
Third	10	10.0	536	1,055	1,047	59
Fourth	18	17.7	964	2,116	1,986	129
Fifth	9	8.5	428	923	904	48
Sixth	6	5.8	257	766	746	17
State Total	**88**	**87.0**	**3,545**	**9,663**	**9,285**	**434**

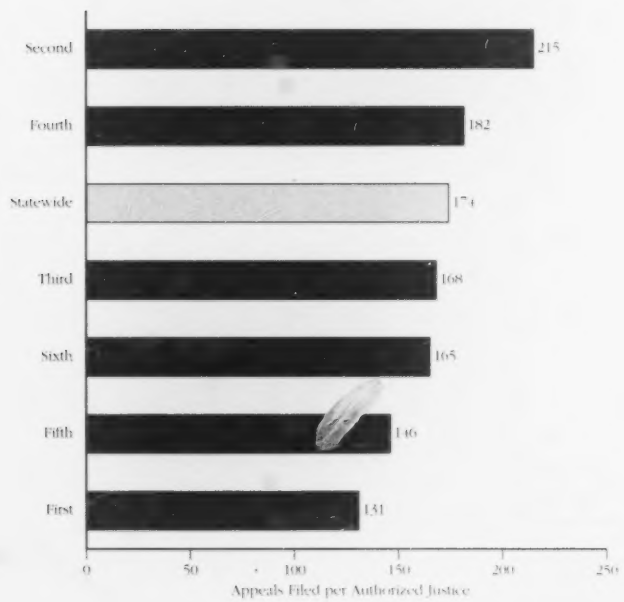
(A) Authorized justices as of June 30, 1990.
(B) "Full-time judge equivalent" includes a court's regular number of judges plus 60% of the time reported for judges assigned to the court, minus the time reported for the assignments of the court's regular members to another court and for unfilled vacancies.
(C) Appeals argued, calendared, or ready June 30, 1990.
(D) Appeals disposed by opinion during fiscal year 1989–90. Includes appeals filed prior to fiscal year 1989–90.
(E) The number of written opinions that decide appeals. One opinion may decide more than one appeal.
(F) The number of written opinions that decide original proceedings. One opinion may decide more than one case.

FIGURE 5-Pending Appeals per Authorized Justice With Notice Filed As of June 30, 1989



SOURCE: TABLE 2 (A)-(E)

FIGURE 6-Notices of Appeals Filed Per Authorized Justice Fiscal Year 1989–90



SOURCE: TABLE 2 (B)-(E)

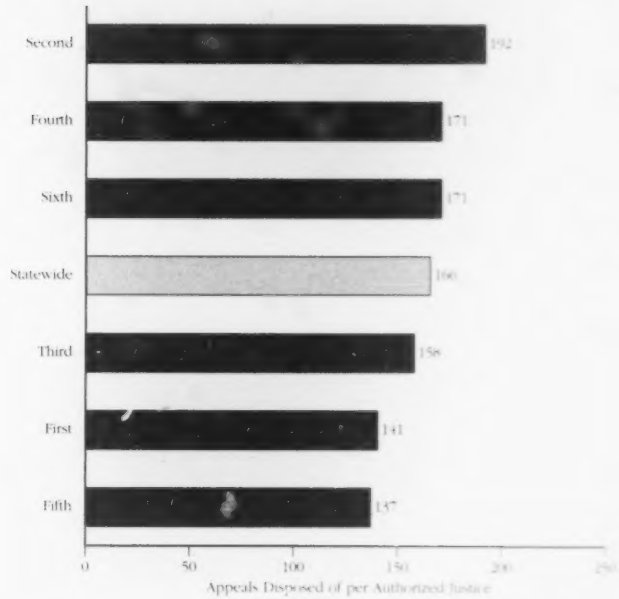
Figures 5, 6, 7, and 8

- These four figures measure the courts' inventory of appeals per authorized justice. Figure 5 shows pending appeals as of June 30, 1989 (inventory at the beginning of 1989–90); figure 6 shows notices filed during 1989–90 (inventory added during the year); figure 7 shows appeals disposed of during 1989–90 (inventory subtracted during the year); and figure 8 shows pending appeals as of June 30, 1990 (inventory at the end of 1989–90). For any given court, figure 8 should equal the sum of figures 5 and 6 less figure 7. Discrepancies are attributable to reactivated cases (due to appeals or remands) and possible data entry problems.
- The Second District reported the most pending appeals per justice at the beginning (224) and at the end (229) of 1989–90.
- Inventory remained relatively constant throughout the state. The statewide average of pending appeals per justice was 177 as of June 30, 1989, and June 30, 1990. The First and Sixth Districts were the only districts with a decrease. The First District fell from 139 pending appeals per justice to 126. The Sixth District fell 10 percent, from 167 to 151. The 10 percent decrease in the Sixth District was the biggest percentage change to pending cases in the state.

Figure 5, 6, 7, and 8 *(Continued)*

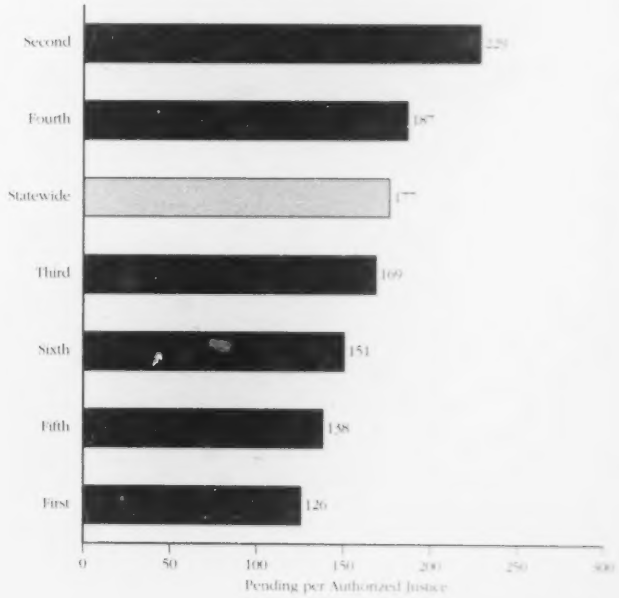
- The Second and Fourth Districts had the highest and second highest rates per authorized justice for each of the following: pending appeals (figures 5 and 8), notices filed (figure 6), and dispositions (figure 7).
- The Second District had the highest number of notices filed (figure 6) and dispositions per authorized justice (figure 7) with 215 and 192, respectively.
- The First and Fifth Districts had the lowest number of notices filed (figure 6) and dispositions per authorized justice (figure 7). The Fifth District reported 146 notices of appeal filed and 137 dispositions in 1989–90. The First District reported 131 notices of appeal filed and 141 dispositions in 1989–90.

FIGURE 7-Appeals Disposed of With and Without Opinion per Authorized Justice Fiscal Year 1989–90



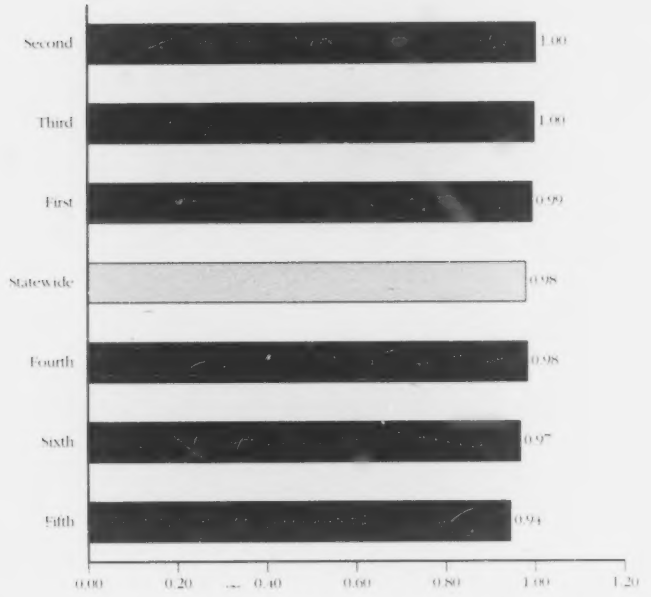
SOURCE: TABLE 2 (C)/(E)

FIGURE 8-Pending Appeals per Authorized Justice With Notice Filed As of June 30, 1990



SOURCE: TABLE 2 (D)/(E)

FIGURE 9-Ratio of Judge-Equivalents to Authorized Justices Fiscal Year 1989–90



SOURCE: TABLE 2 (F) (E)

Figure 9

- Temporary (assigned) justices generally are not as productive as Court of Appeal regular justices, but it is difficult to quantify the difference when calculating judge-equivalents. Our calculations of judge-equivalents for the Courts of Appeal assume that assigned justices are 60 percent as productive as regular justices.
- The statewide ratio of judge-equivalents to authorized justices in 1989–90 was .98, indicating that 2 percent of authorized positions were not filled by permanent or temporary justices.
- The Fifth District had the lowest ratio with .94 judge-equivalents per authorized justice in 1989–90.
- The Second and Third Districts had the highest ratios with 1.00 judge-equivalents per authorized justice.
- The 1989–90 ratios of judge-equivalents to authorized justices show far less disparity among individual courts than did the 1988–89 ratios shown in last year's *Annual Report*. The 1988–89 ratios ranged from 1.05 to .83, and three of the courts were at or below .90. Only one court was below .95 in 1989–90 and none was below .90.

Courts of Appeal
Table 2

Data Supporting Caseload Comparisons Fiscal Year 1989–90

District	*Pending appeals as of 6/30/89* (A)	*Notices filed in FY 1989–90* (B)	*Total appeals disposed of in FY 1989–90* (C)	*Pending appeals as of 6/30/90* (D)	*Number of authorized justices* (E)	*Full-time judge equivalents* (F)
First	2,641	2,490	2,671	2,390	19	18.9
Second	5,826	5,589	4,992	5,956	26	26.1
Third	1,622	1,682	1,581	1,689	10	10.0
Fourth	3,344	3,269	3,079	3,367	18	17.7
Fifth	1,173	1,316	1,235	1,246	9	8.5
Sixth	999	991	1,026	904	6	5.8
State Total	**15,605**	**15,337**	**14,584**	**15,552**	**88**	**87.0**

(A) Includes appeals for which the record has not been filed.
(C) Includes appeals for which the record has not been filed.
(D) Includes appeals for which the record has not been filed. Column (D) should equal (A) + (B) – (C). Discrepancies may be caused by data entry problems in any of the four data elements.
(E) Authorized justices as of June 30, 1990.
(F) "Full-time judge equivalent" includes a court's regular number of judges plus 60% of the time reported for judges assigned to the court, minus the time reported for assignments of the court's regular members to another court and for unfilled vacancies.

FIGURE 10-Civil and Criminal Appeals Records Filed in All Districts Fiscal Years 1980–81 through 1989–90

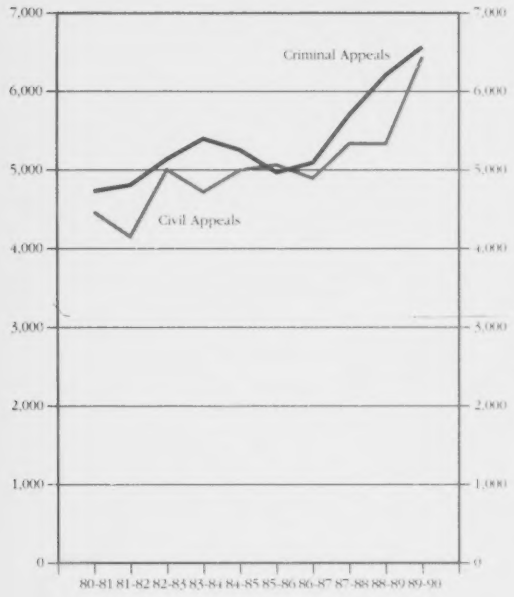


FIGURE 11-Civil and Criminal Original Proceedings Filed in All Districts Fiscal Years 1980–81 through 1989–90

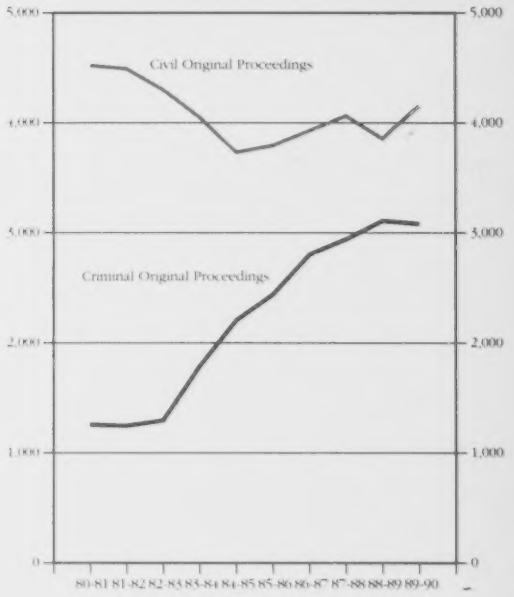
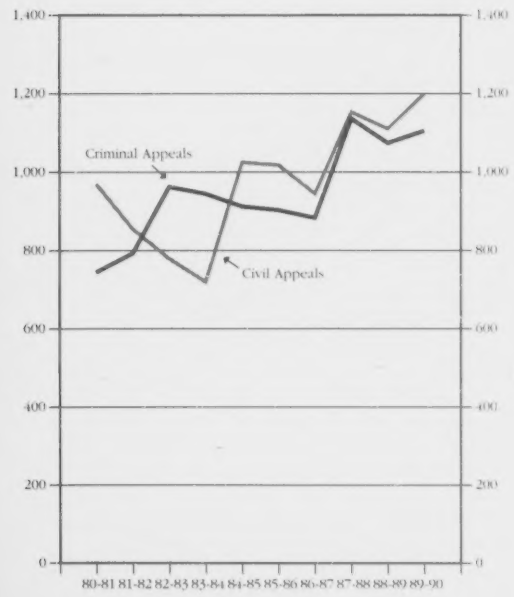
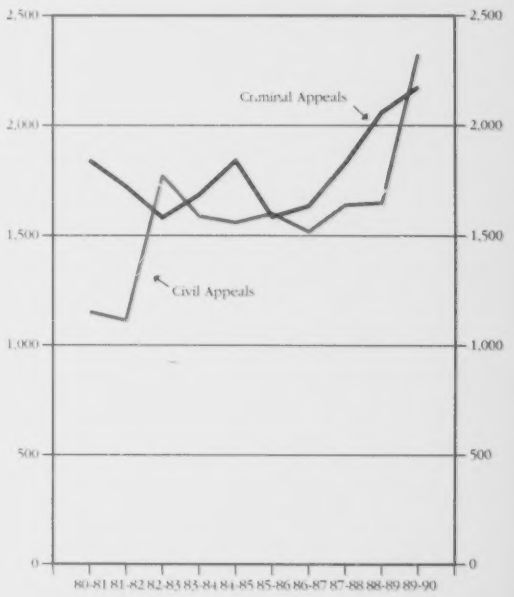


FIGURE 12-Civil and Criminal Appeals Records Filed in the First District* Fiscal Years 1980–81 through 1989–90



* Prior to November 19, 1984, appeals from Monterey, San Benito, Santa Clara, and Santa Cruz Counties were processed by the First District. Since November 19, 1984, appeals from these counties have been processed by the Sixth District. This figure excludes all appeals from Monterey, San Benito, Santa Clara, and Santa Cruz Counties, including the period when these counties were part of the First District.

FIGURE 13-Civil and Criminal Appeals Records Filed in the Second District* Fiscal Years 1980–81 through 1989–90



* County of San Luis Obispo was transferred from the Fifth District to the Second District on November 18, 1982.

FIGURE 14-Civil and Criminal Appeals Records Filed in the Third District Fiscal Years 1980–81 through 1989–90

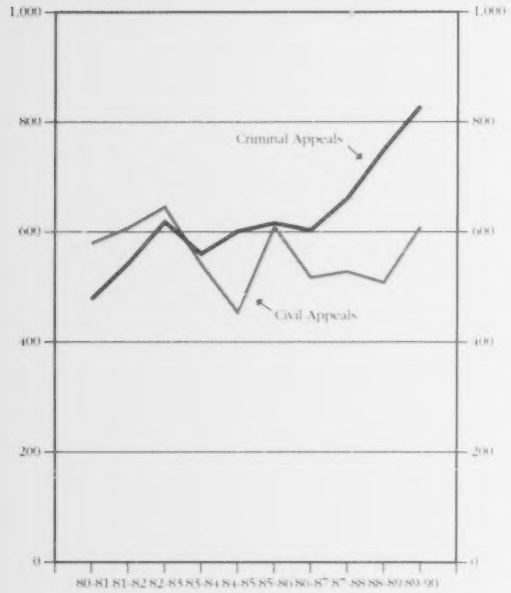


FIGURE 15-Civil and Criminal Appeals Records Filed in the Fourth District Fiscal Years 1980–81 through 1989–90

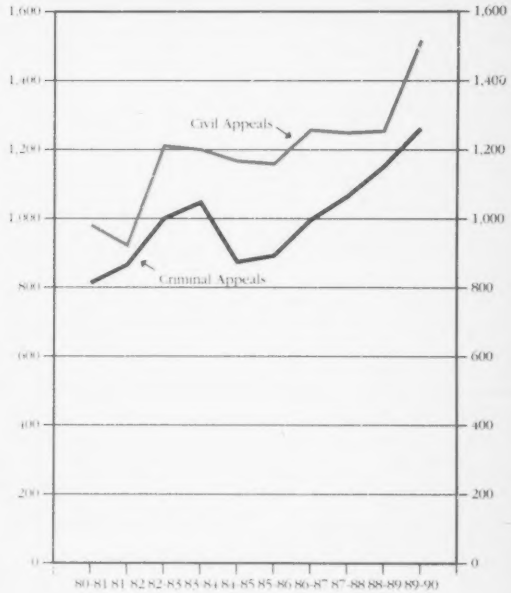
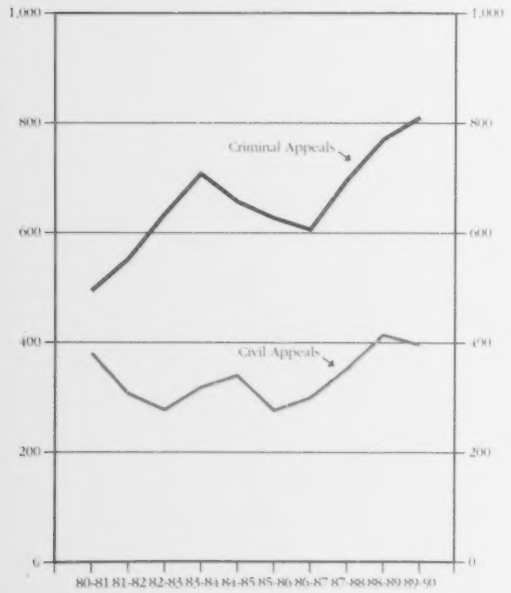
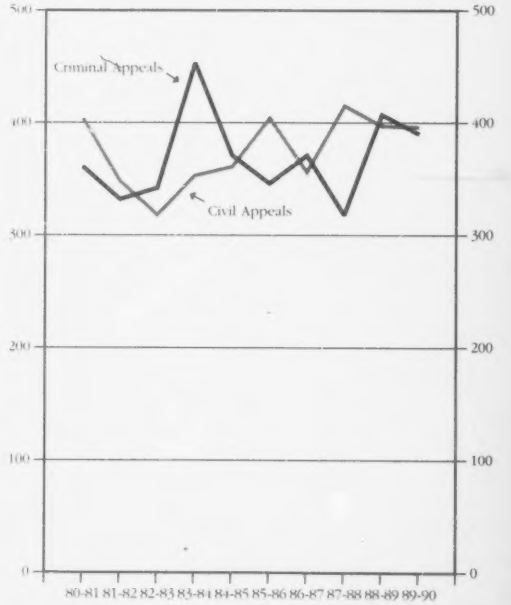


FIGURE 16-Civil and Criminal Appeals Records Filed in the Fifth District* Fiscal Years 1980–81 through 1989–90



* County of San Luis Obispo was transferred from the Fifth District to the Second District on November 18, 1982.

FIGURE 17-Civil and Criminal Appeals Records Filed in the Sixth District* Fiscal Years 1980–81 through 1989–90



* The Sixth District began operation on November 19, 1984. This figure includes appeals filed in the Sixth District's counties (Monterey, San Benito, Santa Clara, and Santa Cruz) before the District began operating. Prior to November 19, 1984, appeals filed in these counties were processed by the First District.

Courts of Appeal
Table 3

Summary of Filings (Contested Matters Only) (Including Transfers from Supreme Court) Fiscal Years 1980–81 through 1989–90

Fiscal year	*Total contested matters* (A)	*Records of appeal filed*			*Original proceedings*		
		Total (B)	*Civil* (C)	*Criminal* (D)	*Total* (E)	*Civil* (F)	*Criminal* (G)
1980–81	14,972	9,196	4,466	4,730	5,776	4,520	1,256
1981–82	14,699	8,960	4,152	4,808	5,739	4,492	1,247
1982–83	15,735	10,140	5,003	5,137	5,595	4,300	1,295
1983–84	15,956	10,118	4,720	5,398	5,838	4,050	1,788
1984–85	16,190	10,252	4,997	5,255	5,938	3,732	2,206
1985–86	16,269	10,035	5,066	4,969	6,234	3,794	2,440
1986–87	16,717	9,985	4,892	5,093	6,732	3,929	2,803
1987–88	18,045	11,040	5,336	5,704	7,005	4,063	2,942
1988–89	18,508	11,542	5,332	6,210	6,966	3,857	3,109
1989–90	**20,248**	**13,012**	**6,443**	**6,569**	**7,236**	**4,154**	**3,082**

Fiscal year	*Notices of appeal filed*		
	Total (H)	*Civil* (I)	*Criminal* (J)
1987–88	13,627	7,635	5,992
1988–89	14,293	8,129	6,164
1989–90	**15,337**	**8,785**	**6,552**

(A) (B) + (E). "Contested Matters" means all appeals and original proceedings, it excludes motions to dismiss on clerk's certificate, rehearings, and miscellaneous orders, which do not significantly add to the court's workload.
(B) (C) + (D).
(C) Includes juvenile appeals.
(E) (F) + (G).
(F) Includes juvenile original proceedings.
(H) (I) + (J).
(I) Includes juvenile appeals.

Courts of Appeal
Table 4

Relationship Between Contested Superior Court Dispositions and Appeals Filed Fiscal Years 1980–81 through 1989–90

	Civil			*Criminal*		
Fiscal year	*Superior court contested dispositions* (A)	*Courts of Appeal records filed* (B)	*Appeals per 100 contested dispositions* (C)	*Superior court convictions after contested trial* (D)	*Courts of Appeal records filed* (E)	*Appeals per 100 convictions after contested trial* (F)
1980–81	26,698	4,466	16.7	4,290	4,730	110.3
1981–82	26,798	4,152	15.5	4,660	4,808	103.2
1982–83	24,573	5,003	20.4	4,796	5,137	107.1
1983–84	26,101	4,720	18.1	4,271	5,398	126.4
1984–85	31,737	4,997	15.7	3,790	5,255	138.7
1985–86	32,141	5,066	15.8	3,956	4,969	125.6
1986–87	32,813	4,892	14.9	4,152	5,093	122.7
1987–88	26,082[r]	5,336	20.5	4,661	5,704	122.4
1988–89	25,222[r]	5,332	21.1[r]	4,985[r]	6,210	124.6[r]
1989–90	**24,939**	**6,443**	**25.8**	**4,981**	**6,569**	**131.9**

(A) Sum of Probate & Guardianship; Family Law; Personal Injury, Death and Property Damage; Eminent Domain; Other Civil Complaints; Other Civil Petitions. Based on numbers from Superior Court Table 6.
(B) From Courts of Appeal Table 3.
(C) [(B)/(A)] × 100.
(D) Based on Superior Court Table 15 in 1988–89 Annual Data Reference.
(E) From Courts of Appeal Table 3.
(F) [(E)/(D)] × 100. This does not reflect the percentage of appealable dispositions actually appealed. We cannot track individual cases from the superior to appellate courts. The superior court dispositions exclude convictions on pleas of guilty, some of which are appealable. The superior court dispositions include nonappealable acquittals. Also, superior courts count each defendant as a single disposition while the appellate courts count one filing per case even if several defendants are joined in the appeal.
r Revised.

Courts of Appeal
Table 5

Summary of Dispositions
Fiscal Years 1980–81 through 1989–90

Fiscal year	Total dispositions (A)	Total dispositions by written opinion (B)	Appeals: By written opinion (C)	Appeals: Without opinion, record filed (D)	Appeals: Without opinion, no record filed (E)	Original proceedings: By written opinion (F)	Original proceedings: Without opinion (G)
1980–81	15,732	7,166	6,633	2,105	1,259	533	5,202
1981–82	15,811	7,786	7,280	1,982	1,327	506	4,716
1982–83	16,363	7,705	7,232	2,027	1,337	473	5,294
1983–84	16,916	8,509	7,954	1,776	1,268	555	5,363
1984–85	19,479	8,599	8,051	2,109	3,226	548	5,545
1985–86	19,677	9,428	8,814	1,927	2,253	614	6,069
1986–87	19,647	8,974	8,420	2,202	2,249	554	6,222
1987–88	20,827	8,741	8,142	2,435	2,916	599	6,735
1988–89	20,956	9,483	8,806	2,389	2,691	677	6,393
1989–90	**22,022**	**10,416**	**9,663**	**2,673**	**2,248**	**753**	**6,685**

(A) (C) + (D) + (E) + (F) + (G).
(B) (C) + (F).

Courts of Appeal
Table 6

Civil Appeals Disposed of Without Opinion After Record Filed Fiscal Years 1980–81 through 1989–90

District	*1980–81*	*1981–82*	*1982–83*	*1983–84*	*1984–85*	*1985–86*	*1986–87*	*1987–88*	*1988–89*	***1989–90***[c]
First	358	371	365	272	188[a]	247	307	277	292	**286**
Second	346	372	414	510	473	424	463	468	505	**492**
Third	262	226	273	132	182	201	199	182	154	**141**
Fourth	251	234	270	245	300	314	372	342	386	**382**
Fifth	139	145	103	68	74	77	84	74	98	**86**
Sixth	–	–	–	–	35	771	85	155	87	**84**
State Total	**1,356**	**1,348**	**1,425**	**1,227**	**1,252**	**1,334**	**1,510**	**1,498**	**1,522**	**1,471**

Percentage of Civil Appeals Disposed of with Record[b]

First	40%	31%	28%	23%	19%	20%	23%	25%	28%	**27%**
Second	27	27	31	28	28	26	28	28	28	**29**
Third	42	38	43	24	36	39	40	31	30	**31**
Fourth	26	23	26	21	29	26	29	28	32	**31**
Fifth	43	38	27	21	24	26	27	23	27	**34**
Sixth	–	–	–	–	20	26	33	44	29	**21**
State Total	**33%**	**30%**	**30%**	**24%**	**27%**	**26%**	**28%**	**29%**	**29%**	**29%**

a "Civil appeals disposed of without opinion" has been used to estimate number of appeals dismissed, even though the total also includes other matters, such as transfers, which are usually few in number. In 1984–85, however, 223 civil appeals were transferred from the First District to the Sixth District when it began operating. This amount is excluded from the table figure.

b Civil appeals disposed of without opinion after record filed divided by total civil appeals disposed of after record filed (with and without opinion).

c 1989–90 numbers are for civil appeals only. Prior years include juvenile appeals. Statewide, there were 296 juvenile appeals disposed of without opinion after record filed in 1989–90. This was 28% of juvenile appeals disposed of after record filed.

Courts of Appeal
Table 7

Outcome of Criminal Appeals Terminated by Written Opinion Fiscal Year 1989–90

	Appeals by defendants		*Appeals by prosecution*	
	Number (A)	*Percent* (B)	*Number* (C)	*Percent* (D)
Total cases[a]	5,086	100.0%	118	100.0%
Affirmed in full	4,068	80.0	26	22.0
Affirmed with modifications	779	15.3	6	5.1
Total affirmed[a]	4,847	95.3	32	27.1
Reversed for expected retrial	220	4.3	82	69.5
Reversed, no retrial possible	1	0.0	0	0.0
Dismissed	18	0.4	4	3.4

a Percentages may not add to total due to rounding.

Outcome of Civil and Juvenile Appeals Terminated by Written Opinion Fiscal Year 1989–90

	Civil appeals		*Juvenile appeals (criminal violations)*		*Other juvenile appeals*	
	Number (A)	*Percent* (B)	*Number* (C)	*Percent* (D)	*Number* (E)	*Percent* (F)
Total cases[a]	3,533	100.0%	419	100.0%	211	100.0%
Affirmed in full	2,320	65.7	319	76.1	158	74.9
Affirmed with modifications	372	10.5	68	16.2	19	9.0
Total affirmed[a]	2,692	76.2	387	92.4	177	83.9
Reversed	736	20.8	29	6.9	18	8.5
Dismissed	105	3.0	3	0.7	16	7.6

(C) Juvenile appeals filed under Welf. & Inst. Code, § 602, alleging violation of a criminal statute.
(E) Juvenile appeals filed under Welf. & Inst. Code, § 300 or § 602. These cases do not involve violations of criminal statutes.
a Percentages may not add to total due to rounding.

Courts of Appeal
Table 9

Time to Filing of Opinion
Median Time in Days
Fiscal Year 1989–90

Courts of Appeal	*Notice of appeal to filing of opinion*			*Fully briefed to filing of opinion*		
	Civil (A)	*Criminal* (B)	*Juvenile* (C)	*Civil* (D)	*Criminal* (E)	*Juvenile* (F)
State Total	**503**	**432**	**374**	**153**	**107**	**94**
First District	521	396	394	157	98	86
Division One	636	481	455	247	164	150
Division Two	588	425	456	244	132	113
Division Three	498	379	386	105	82	77
Division Four	409	337	375	91	75	62
Division Five	430	357	371	92	84	67
Second District	439	469	381	86	63	51
Division One	410	470	376	70	50	43
Division Two	400	465	374	70	51	55
Division Three	446	505	493	76	60	53
Division Four	433	483	318	77	53	36
Division Five	512	527	388	156	93	67
Division Six	438	384	301	121	100	86
Division Seven	461	498	430	67	62	56
Third District	637	426	394	390	116	111
Fourth District	516	460	365	190	153	126
Division One	487	448	391	184	150	155
Division Two	483	439	404	137	130	119
Division Three	589	525	296	287	210	91
Fifth District	474	385	342	197	117	99
Sixth District	537	412	361	213	157	79

Courts of Appeal
Table 10

Time to Filing of Opinion 90th Percentile Time in Days Fiscal Year 1989–90

Courts of Appeal	*Notice of appeal to filing of opinion*			*Fully briefed to filing of opinion*		
	Civil (A)	*Criminal* (B)	*Juvenile* (C)	*Civil* (D)	*Criminal* (E)	*Juvenile* (F)
State Total	**840**	**691**	**575**	**372**	**226**	**197**
First District	852	610	573	315	186	176
Division One	973	763	583	343	230	178
Division Two	927	602	618	378	202	203
Division Three	796	615	638	269	179	176
Division Four	738	486	481	187	139	92
Division Five	708	528	549	174	117	104
Second District	806	807	731	182	138	96
Division One	741	812	575	141	100	61
Division Two	777	810	705	109	75	64
Division Three	842	824	845	155	110	98
Division Four	924	854	804	140	95	78
Division Five	833	912	685	238	198	210
Division Six	641	553	506	191	161	191
Division Seven	847	840	1,154	149	110	62
Third District	977	644	595	562	254	227
Fourth District	813	665	564	365	267	205
Division One	725	637	587	280	237	214
Division Two	809	599	572	218	192	198
Division Three	942	784	464	435	366	178
Fifth District	706	606	512	339	245	257
Sixth District	821	618	519	372	230	135

Percentage of Majority Opinions Published Fiscal Year 1989–90

Courts of Appeal	*Total* (A)	*Civil appeals* (B)	*Criminal appeals* (C)	*Juvenile appeals* (D)	*Original proceedings* (E)
State Total	**11%**	**18%**	**5%**	**7%**	**30%**
First District	14	22	6	8	43
Division One	15	23	7	13	50
Division Two	16	25	6	6	22
Division Three	13	22	6	4	36
Division Four	14	19	6	9	50
Division Five	11	18	3	10	64
Second District	9	14	4	3	38
Division One	6	10	2	4	20
Division Two	9	12	6	10	35
Division Three	11	17	4	0	52
Division Four	6	12	2	0	29
Division Five	10	15	5	5	31
Division Six	5	5	4	0	23
Division Seven	20	32	8	6	70
Third District	9	18	4	3	20
Fourth District	13	20	8	8	27
Division One	17	26	9	12	28
Division Two	8	13	5	0	22
Division Three	12	17	8	5	27
Fifth District	10	19	7	11	15
Sixth District	10	15	4	15	35

CHAPTER 3

SUPERIOR COURTS

During fiscal year 1989–90, California superior court filings increased 3 percent over the preceding year to a new high of 979,800 cases. Criminal filings grew 13 percent and juvenile delinquency filings increased 6 percent. General civil filings, however, declined 6 percent and family law filings remained virtually unchanged from the year before. Filings in these four categories accounted for nearly 90 percent of the total superior court weighted caseload in 1989–90.

The rise in criminal filings is more pronounced when compared with other filings of the previous decade: During the past 10 years, criminal filings soared 132 percent. By comparison, increases in other major filing categories during the same period are modest: general civil filings grew 28 percent and juvenile delinquency filings increased 17 percent. Moreover, family law filings decreased 3 percent during the decade.

In 1989–90, superior courts disposed of a total of 831,300 cases, 7 percent more than in 1988–89. Compared with the previous year, these courts disposed of 12 percent more criminal cases, 7 percent more general civil cases, 7 percent more family law cases, and 5 percent more juvenile delinquency cases.

Impact of Delay Reduction Programs

In 1989–90, general civil cases were disposed at a rate of 106 dispositions per 100 cases filed (includes dismissals for lack of prosecution). Dispositions exceeded filings primarily as a result of the civil delay reduction programs that have been operating in nine mandated and ten volunteer courts. With delay reduction programs, the courts actively manage new cases and strive to dispose of accumulated inactive old cases.

At the end of fiscal year 1989–90, the overall number of civil cases awaiting trial (cases in which at-issue memoranda were filed) had increased 9 percent over the preceding year. The total number of such cases pending in the mandatory delay reduction program courts had expanded 7 percent. (See volume 1, chapter 4, for more information about progress in trial court delay reduction.)

The judicial statistics on superior courts provided in the following tables and charts include performance indicators followed by general statistical information. The performance indicators are shown in tables 1-A and 1-B, and in figures 1-A to 1-D and 2-A to 2-D. Superior court data historically included in the *Annual Report* are contained in tables 2 to 18 and figures 3 to 16.

Performance Indicators

Performance indicators appear in the bar charts and are grouped according to the judicial positions authorized in each court. A bar chart is displayed for each different size group into which courts and judicial positions are classified.

Figures 1-A to 1-D represent total cases awaiting trial per judicial position and figures 2-A to 2-D represent total dispositions per judicial position equivalent.[1]

Superior Courts Profile

Superior courts are California's trial courts of general jurisdiction. They are sometimes called the trial courts of residual jurisdiction because they accept all matters except those statutorily given to other trial courts.

Superior courts sit as probate courts, juvenile courts, and conciliation courts. In addition, they have trial jurisdiction over all felony cases and all civil matters above the $25,000 jurisdiction of municipal and justice courts. Superior courts also handle cases asking for special relief, such as an injunction or a declaratory order.

Each of California's 58 counties has a superior court. Case workload determines the number of judges as fixed by the Legislature. The number in each court ranges from one in sparsely populated counties to more than 200 in Los Angeles County, reaching a total of 789 judges statewide as of June 30, 1990.

Superior court judges serve six-year terms and are elected by county voters on a nonpartisan ballot at a general election.

Vacancies are filled by appointment of the Governor. A superior court judge must be an attorney admitted to practice law in California or have served as a judge of a court of record in this state for at least 10 years immediately preceding election or appointment.

Superior courts also hear appeals from decisions of municipal and justice courts. All appeals, other than those in small claims cases, are heard by a three-judge panel of the appellate department in each county and are governed by rules adopted by the Judicial Council. Appeals also may be transferred to the Courts of Appeal.

Each chart also includes the group average for the listed courts and the statewide average for the category.

Tables 1-A and 1-B contain the supporting information for the charts and also other performance and caseload data.

Table 1-A lists for each superior court the number of judicial positions, filings, and total civil and criminal cases awaiting trial.[2] Filings and cases awaiting trial are expressed both in total cases and in cases per judicial position.

Table 1-B shows for each superior court the number of judicial position equivalents, total dispositions, contested trials, and jury trials held during 1989–90. In addition, the "per judicial position equivalent" values are also shown for the latter three items.

The numerical statewide ranking is indicated in both tables for each court per judicial position and per judicial position equivalent value. The statistics are ranked from high value (1) to low (57, i.e., total superior courts that reported data). Group rankings are not listed but may be easily determined from the charts.

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[1] In several preceding *Annual Reports*, dispositions were measured against the authorized number of judicial positions. However, in this report dispositions are measured against judicial position equivalents (see Glossary for definition), which more accurately estimates the judicial positions that were available to handle court business.

[2] These statistics are meant to complement the "number of civil cases awaiting trial" statistics (see table 13) that are calculated per authorized judge rather than per judicial position.

Figure 1-A

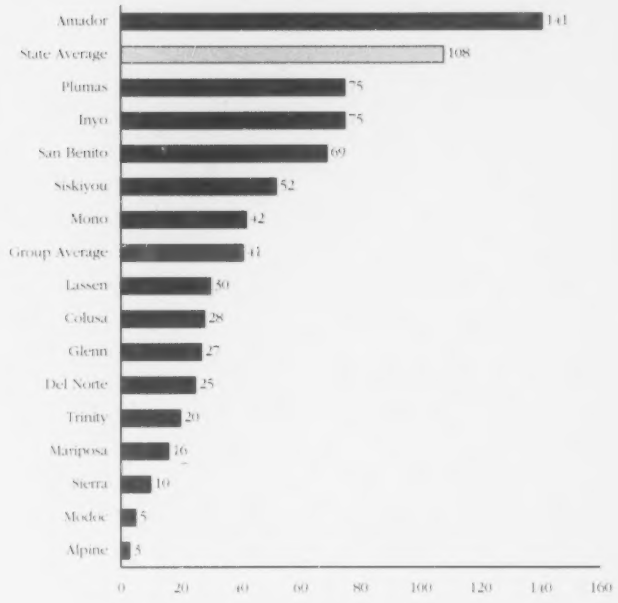
- Of the 15 superior courts with one judicial position having data available (one court did not report), three-fourths, or 11, reported fewer than 60 cases awaiting trial per judicial position.[3]
- Four courts—Amador, Inyo, Plumas, and San Benito—reported 60 or more cases awaiting trial per judicial position. Only the Amador court in this group reported more than the statewide average of 108 cases awaiting trial per position.
- Because most of the courts in this group had a small number of pending cases, the group average of 41 cases was the lowest of all four superior court groups.

Figure 1-B

- Of the 14 courts with two to three judicial positions, over half (8) reported having fewer than 60 pending cases.
- Two courts, Napa and Kings, reported the highest numbers of cases awaiting trial in this group. The figures were the only ones that exceeded the statewide average.
- Because of the high number of courts with a low number of pending cases, the group average per judicial position was the second smallest of the four groups.

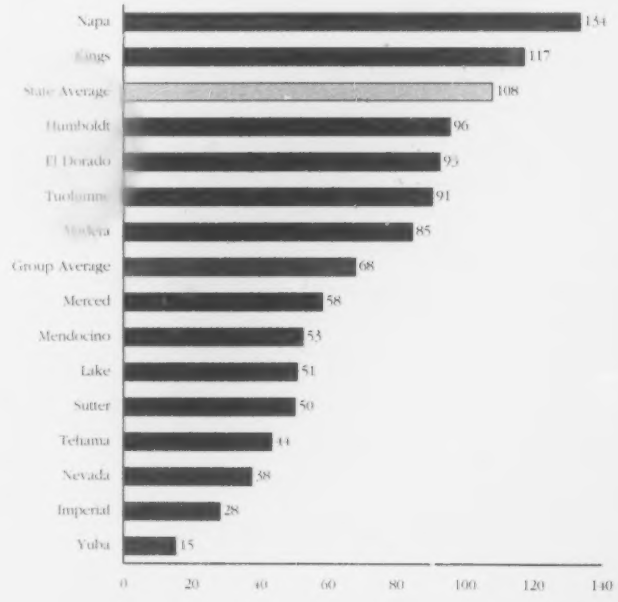
[3] The level of 60 cases was assumed to be the "ideal" maximum to which pending cases should be reduced and was used to compare courts in the four groups.

FIGURE 1-A-For Superior Courts with One Judicial Position Total Cases Awaiting Trial per Authorized Judicial Position At the End of Fiscal Year 1989–90



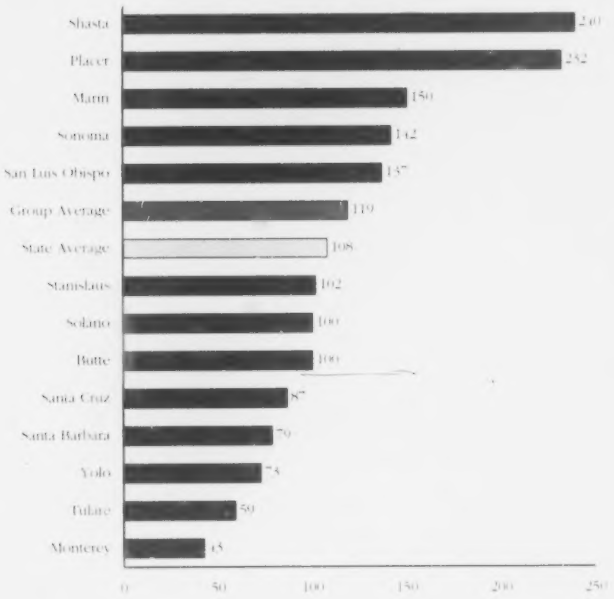
SOURCE: TABLE 1–A

FIGURE 1-B-For Superior Courts with Two to Three Judicial Positions Total Cases Awaiting Trial per Authorized Judicial Position At the End of Fiscal Year 1989–90



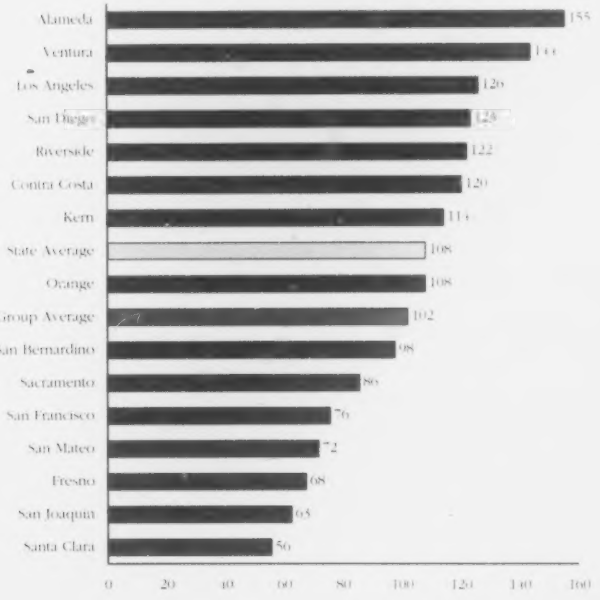
SOURCE: TABLE 1–A

FIGURE 1-C-For Superior Courts with Four to Ten Judicial Positions Total Cases Awaiting Trial per Authorized Judicial Position At the End of Fiscal Year 1989–90



SOURCE: TABLE 1–A

FIGURE 1-D-For Superior Courts with Eleven or More Judicial Positions Total Cases Awaiting Trial per Authorized Judicial Position At the End of Fiscal Year 1989–90



SOURCE: TABLE 1–A

Figure 1-C

- Of the 13 superior courts with four to ten judicial positions having data available, only two reported fewer than 60 cases awaiting trial per position.
- Five superior courts—Shasta, Placer, Marin, Sonoma, and San Luis Obispo—reported more than the statewide average of 108 cases awaiting trial per judicial position. The figures reported by the first two courts were the highest in the state. Each averaged over 200 cases per judicial position.
- With an average of 119 cases awaiting trial per judicial position, this group had the highest average pending caseload of all four groups.

Figure 1-D

- Of the 15 superior courts with 11 or more judicial positions, only the Santa Clara court had fewer than 60 cases awaiting trial per position.
- Seven courts—Alameda, Ventura, Los Angeles, San Diego, Riverside, Contra Costa, and Kern—reported pending totals exceeding the statewide average. Six of the seven are courts with mandatory delay reduction programs.
- Superior courts with 11 or more judicial positions had the group average closest to the statewide average.

Figure 2-A

- In this group, only the Glenn and Del Norte courts disposed of more than the statewide average of 890 cases per judicial position equivalent.[4] Nine of the 15 courts disposed of fewer than 500 cases per position.[5] These courts were located in the less-populated counties and had low filings.
- This group had the lowest average of 522 dispositions per judicial position equivalent of the four groups.

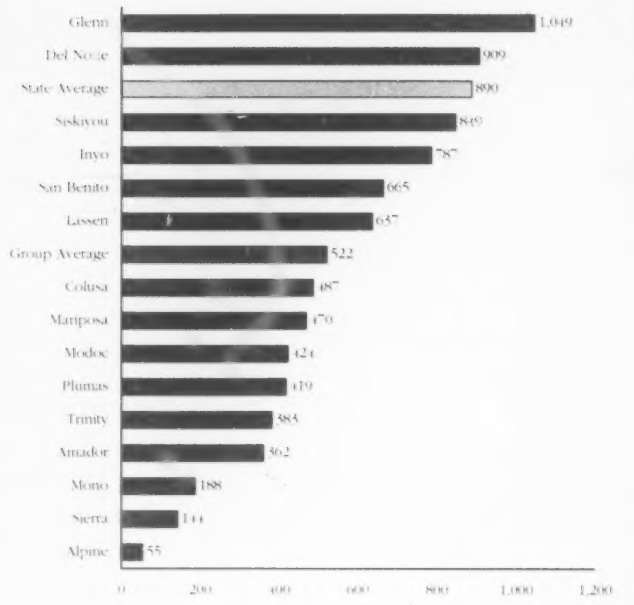
Figure 2-B

- Eight of the 14 superior courts with two to three judicial positions reported more than the statewide average dispositions per judicial position equivalent, including the Merced court, which reported the highest average of 438 dispositions per judicial position equivalent.
- No court in this group reported fewer than 500 dispositions per judicial position equivalent.
- This group's disposition average of 916, although only slightly above the statewide average, was the second highest among the four groups.

[4] In several preceding *Annual Reports*, dispositions were measured against the authorized number of judicial positions. However, in this report, dispositions are measured against judicial position equivalents (see Glossary for definition), which more accurately estimates the judicial positions that were available to handle court business.

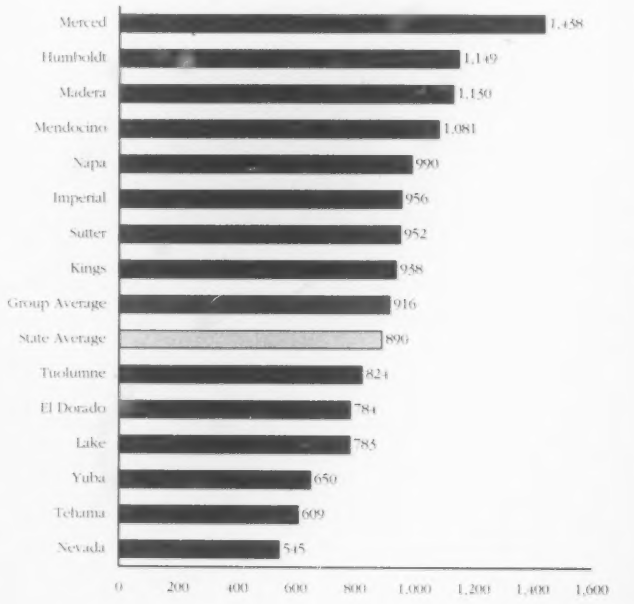
[5] The 500-case level is the group average of courts with one judicial position and was selected to compare courts in the four groups.

FIGURE 2-A-For Superior Courts with One Judicial Position Total Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



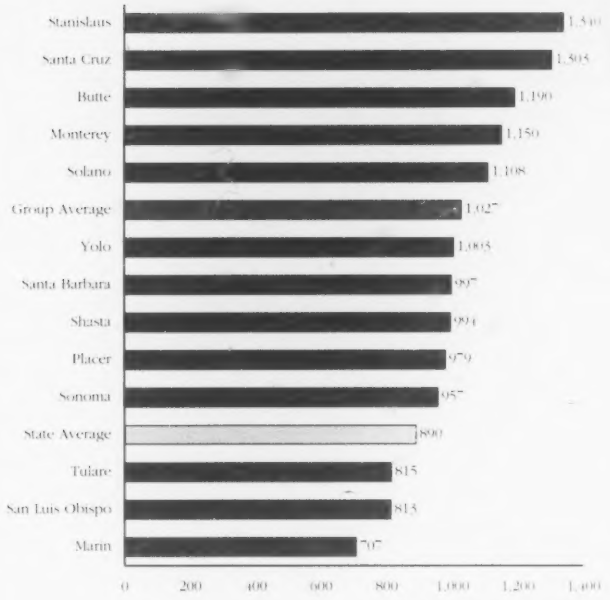
SOURCE: TABLE 1–B

FIGURE 2-B-For Superior Courts with Two to Three Judicial Positions Total Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



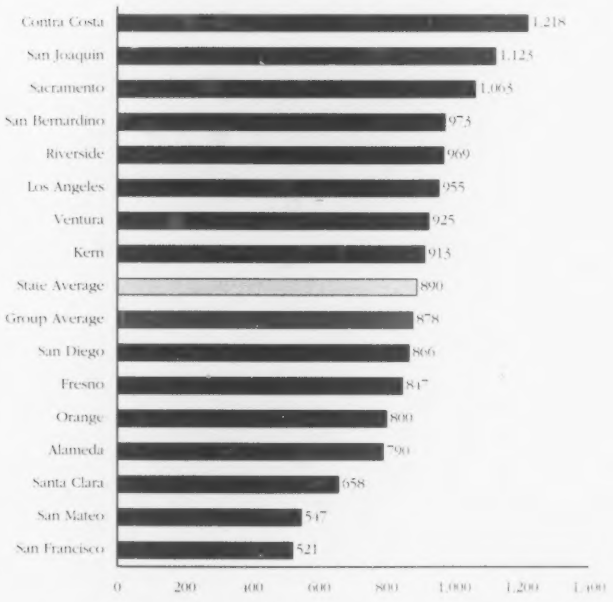
SOURCE: TABLE 1–B

FIGURE 2-C-For Superior Courts with Four to Ten Judicial Positions Total Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



SOURCE: TABLE 1–B

FIGURE 2-D-For Superior Courts with Eleven or More Judicial Positions Total Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



SOURCE: TABLE 1–B

Figure 2-C

- Superior courts with four to ten judicial positions reported the highest group average of the four groups with 1,027 cases disposed of per judicial position equivalent.
- Over three-fourths (10) of the 13 courts had more than the statewide average of 890 dispositions per judicial position equivalent, including the Stanislaus and Santa Cruz courts, which had the second and third highest dispositions per judicial position equivalent in the state.
- No courts with four to ten judicial positions reported having 500 or fewer dispositions per judicial position equivalent.

Figure 2-D

- The average of 878 dispositions per judicial position equivalent for superior courts with 11 or more judicial positions was fairly close to the statewide average and ranked third among the group averages of the four groups.
- Of the 15 courts in this group, over half (8) reported dispositions of more than the statewide average. No courts reported fewer than 500 dispositions per judicial position equivalent.

Superior Courts
Table 1–A

Total Filings and Cases Awaiting Trial Per Judicial Position Fiscal Year 1989–90

Court	Judicial positions as of 6/30/90 (A)	Filings: Total (B)	Filings: Per judicial position	Filings: Rank	Cases awaiting trial: Total as of 6/30/90 (C)	Cases awaiting trial: Per judicial position	Cases awaiting trial: Rank
Statewide	**905**	**979,810**	**1,083**	**–**	**97,980**	**108**	**–**
Alameda	39	39,410	1,011	36	6,058	155	3
Alpine	1	65	65	58	3	3	57
Amador	1	898	898	44	141	141	7
Butte	4	6,251	1,563	6	401	100	19
Calaveras	1	518[i]	518	51	i	–	–
Colusa	1	488	488	53	28	28	49
Contra Costa	20	25,993	1,300	16	2,405	120	13
Del Norte	1	1,313	1,313	15	25	25	51
El Dorado	3	4,491	1,497	9	278	93	22
Fresno	20	22,979	1,149	23	1,351	68	34
Glenn	1	1,010	1,010	37	27	27	50
Humboldt	3	4,756	1,585	4	287	96	21
Imperial	3	2,892	964	41	85	28	48
Inyo	1	909	909	43	75	75	29
Kern	17	19,344	1,138	27	1,941	114	15
Kings	3	3,961	1,320	13	352	117	14
Lake	2	2,003	1,002	38	102	51	41
Lassen	1	1,015	1,015	35	30	30	47
Los Angeles	293	310,157	1,059	32	36,912	126	10
Madera	3	3,941	1,314	14	254	85	26
Marin	7	7,204	1,029	33	1,053	150	4
Mariposa	1	493	493	52	16	16	53
Mendocino	3	3,489	1,163	21	158	53	39
Merced	3	6,528	2,176	1	175	58	37
Modoc	1	327	327	56	5	5	56
Mono	1	352	352	55	42	42	45
Monterey	8	10,213	1,277	17	341	43	44
Napa	3	3,438	1,146	24	401	134	9
Nevada	3	2,358	786	49	113	38	46
Orange	71	70,806	997	39	7,666	108	16
Placer	4	5,996	1,499	8	929	232	2
Plumas	1	764	764	50	75	75	30
Riverside	29	35,322	1,218	20	3,539	122	12
Sacramento	34	37,022	1,089	30	2,913	86	25
San Benito	1	1,125	1,125	28	69	69	33

Total Filings and Cases Awaiting Trial Per Judicial Position Fiscal Year 1989–90

Court	Judicial positions as of 6/30/90 (A)	Filings			Cases awaiting trial		
		Total (B)	Per judicial position	Rank	Total as of 6/30/90 (C)	Per judicial position	Rank
Statewide	**905**	**979,810**	**1,083**	**–**	**97,980**	**108**	**–**
San Bernardino	32	44,575	1,393	10	3,127	98	20
San Diego	75	72,885	972	40	9,243	123	11
San Francisco	39	31,074	797	47	2,953	76	28
San Joaquin	13	15,966	1,228	19	813	63	35
San Luis Obispo	6	6,452	1,075	31	822	137	8
San Mateo	19	16,091	847	46	1,364	72	32
Santa Barbara	10	11,407	1,141	26	788	79	27
Santa Clara	47	44,122	939	42	2,620	56	38
Santa Cruz	5	6,788	1,358	11	434	87	24
Shasta	4	6,261	1,565	5	958	240	1
Sierra	1	165	165	57	10	10	55
Siskiyou	1	1,812	1,812	2	52	52	40
Solano	7	12,428	1,775	3	702	100	18
Sonoma	10	11,531	1,153	22	1,419	142	6
Stanislaus	10	15,584	1,558	7	1,019	102	17
Sutter	3	3,433	1,144	25	151	50	42
Tehama	2	1,719	860	45	87	44	43
Trinity	1	423	423	54	20	20	52
Tulare	8	10,104	1,263	18	475	59	36
Tuolumne	2	2,047	1,024	34	181	91	23
Ventura	15	20,253	1,350	12	2,155	144	5
Yolo	4	4,485	1,121	29	291	73	31
Yuba	3	2,374	791	48	46	15	54

(A) Judicial positions include full-time court commissioners and referees in addition to the number of judges authorized for the court.
(C) Includes criminal and civil cases set for trial, and civil cases in which at-issue memoranda have been filed but no trial date has been assigned.
i Incomplete.

Superior Courts
Table 1–B

Total Dispositions, Contested Trials, and Jury Trials per Judicial Position Equivalent Fiscal Year 1989–90

Court	Judicial position equivalents FY 1989–90 (A)	Dispositions: Total (B)	Dispositions: Per judicial position equivalent	Dispositions: Rank	Contested trials: Total (C)	Contested trials: Per judicial position equivalent	Contested trials: Rank	Jury trials: Total (D)	Jury trials: Per judicial position equivalent	Jury trials: Rank
Statewide	**934.0**	**831,310**	**890**	**–**	**69,693**	**75**	**–**	**8,453**	**9**	**–**
Alameda	35.9	28,355	790	36	3,353	93	11	233	6	44
Alpine	0.5	28	55	58	3	6	58	1	2	56
Amador	1.4	492	362	54	72	53	38	15	11	20
Butte	4.4	5,282	1,190	5	283	64	30	79	18	4
Calaveras	1.6	282[i]	181	56	34[i]	22	54	3[i]	2	57
Colusa	1.0	482	487	49	45	45	42	14	14	10
Contra Costa	19.9	24,201	1,218	4	1,397	70	27	252	13	16
Del Norte	1.2	1,100	909	28	11	9	57	13	11	22
El Dorado	4.7	3,677	784	38	213	45	43	46	10	27
Fresno	20.4	17,303	847	31	3,296	161	4	216	11	24
Glenn	0.9	934	1,049	13	41	46	41	5	6	47
Humboldt	3.0	3,469	1,149	7	264	87	15	31	10	26
Imperial	3.3	3,154	956	22	174	53	39	44	13	13
Inyo	1.1	866	787	37	69	63	32	16	15	9
Kern	17.8	16,223	913	27	1,356	76	21	263	15	8
Kings	3.0	2,841	938	25	292	96	10	48	16	5
Lake	2.5	1,949	783	39	203	82	18	63	25	1
Lassen	1.3	854	637	44	143	107	7	33	25	2
Los Angeles	299.6	286,104	955	23	23,250	78	20	2,671	9	33
Madera	2.2	2,509	1,130	8	408	184	2	26	12	18
Marin	7.1	5,035	707	40	303	43	46	62	9	34
Mariposa	0.9	437	470	50	18	19	56	7	8	38
Mendocino	3.5	3,828	1,081	11	222	63	33	25	7	42
Merced	3.2	4,588	1,438	1	71	22	53	10	3	53
Modoc	0.8	322	424	51	32	42	47	3	4	52
Mono	1.0	192	188	55	22	22	55	3	3	54
Monterey	7.8	8,958	1,150	6	533	68	29	85	11	21
Napa	3.5	3,435	990	17	197	57	37	31	9	32
Nevada	2.8	1,525	545	47	211	75	24	29	10	25
Orange	71.4	57,166	800	35	5,966	84	17	355	5	50
Placer	4.4	4,346	979	18	727	164	3	43	10	29
Plumas	1.2	494	419	52	232	197	1	16	14	12
Riverside	27.6	26,784	969	20	1,973	71	26	199	7	41

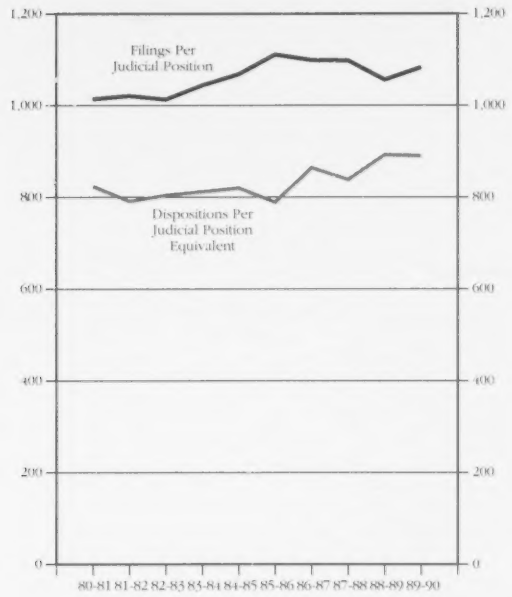
Superior Courts
Table 1–B
(Continued)

Total Dispositions, Contested Trials, and Jury Trials per Judicial Position Equivalent Fiscal Year 1989–90

Court	Judicial position equivalents FY 1989–90 (A)	Dispositions			Contested trials			Jury trials		
		Total (B)	Per judicial position equivalent	Rank	Total (C)	Per judicial position equivalent	Rank	Total (D)	Per judicial position equivalent	Rank
Statewide	**934.0**	**831,310**	**890**	–	**69,693**	**75**	–	**8,453**	**9**	–
Sacramento	35.6	37,826	1,063	12	1,587	45	44	382	11	23
San Benito	1.1	745	665	41	147	131	6	1	1	58
San Bernardino	32.4	31,504	973	19	2,220	69	28	281	9	35
San Diego	80.7	69,898	866	29	8,273	103	8	1,042	13	15
San Francisco	42.9	22,390	521	48	1,909	44	45	237	6	48
San Joaquin	12.2	13,641	1,123	9	917	75	23	98	8	37
San Luis Obispo	6.2	5,017	813	34	460	75	25	38	6	45
San Mateo	19.5	10,644	547	46	737	38	49	90	5	51
Santa Barbara	10.1	10,067	997	15	638	63	31	118	12	19
Santa Clara	54.2	35,633	658	42	1,777	33	51	306	6	46
Santa Cruz	4.7	6,059	1,303	3	401	86	16	62	13	14
Shasta	4.4	4,404	994	16	171	39	48	33	7	40
Sierra	0.8	112	144	57	18	23	52	2	3	55
Siskiyou	1.4	1,214	849	30	197	138	5	20	14	11
Solano	7.5	8,289	1,108	10	760	102	9	111	15	7
Sonoma	10.0	9,519	957	21	373	37	50	92	9	30
Stanislaus	9.7	13,020	1,340	2	868	89	14	202	21	3
Sutter	3.0	2,856	952	24	185	62	35	27	9	31
Tehama	2.0	1,242	609	45	188	92	12	31	15	6
Trinity	0.9	356	383	53	56	60	36	7	8	39
Tulare	8.0	6,508	815	33	415	52	40	78	10	28
Tuolumne	2.2	1,837	824	32	180	81	19	18	8	36
Ventura	16.6	15,363	925	26	1,254	75	22	196	12	17
Yolo	4.0	4,013	1,003	14	363	91	13	21	5	49
Yuba	3.0	1,938	650	43	185	62	34	20	7	43

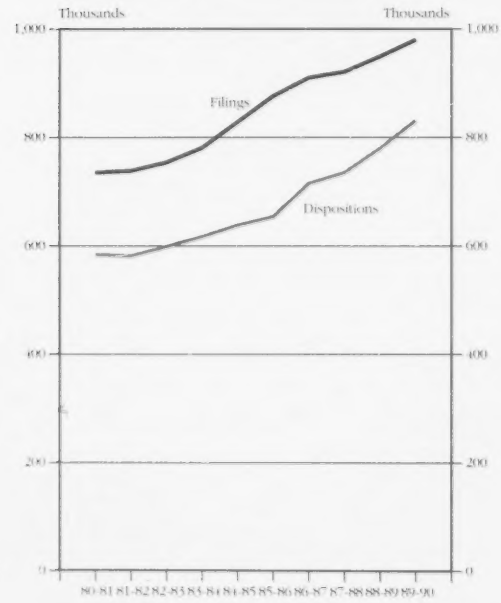
(A) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court, and also assistance received by the court from assigned judges, temporary judges, commissioners and referees.
(B) Excludes civil dismissals for delay in prosecution.
I Incomplete.

FIGURE 3-Total Filings per Judicial Position and Dispositions per Judicial Position Equivalent Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 2

FIGURE 4-Total Filings and Dispositions Fiscal Years 1980–81 through 1989–90

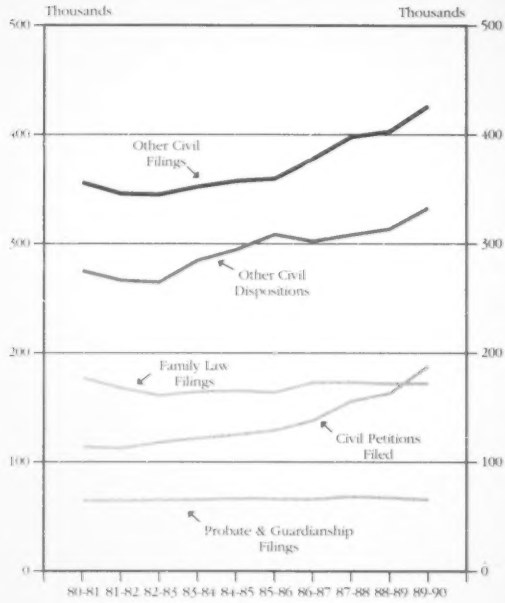


SOURCE: TABLE 2

FIGURE 5-General Civil Filings and Dispositions
Fiscal Years 1980–81 through 1989–90

SOURCE: TABLE 3

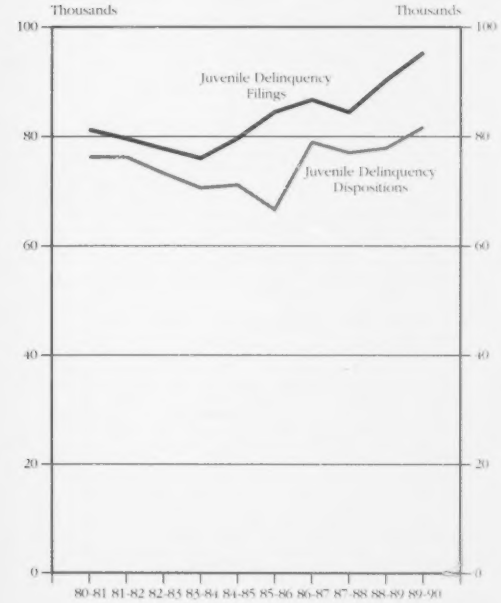
FIGURE 6-Other Civil Filings and Dispositions*
Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 3
(C)+(D)+(J)

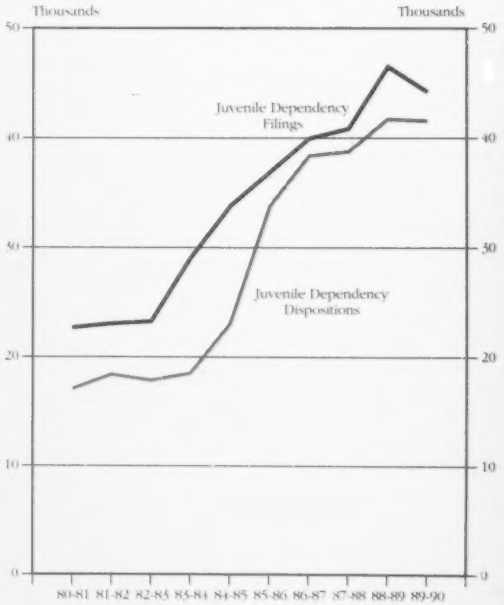
* Other civil filings are civil filings that are not general civil filings. They comprise family law, probate and guardianship, and civil petitions.

FIGURE 7-Juvenile Delinquency
Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



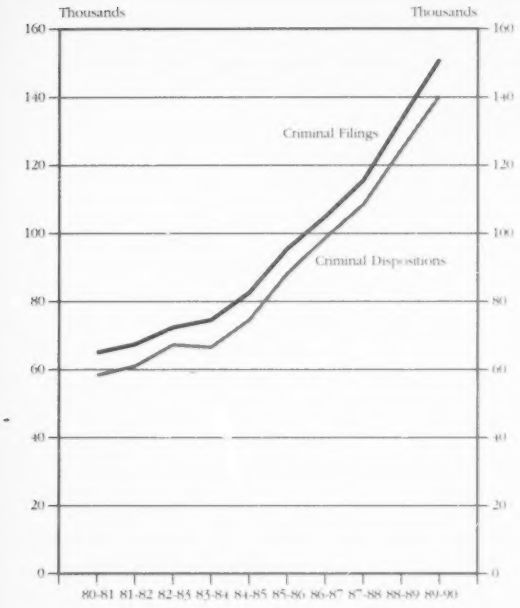
SOURCE: TABLE 4
(B)+(C)

FIGURE 8-Juvenile Dependency
Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



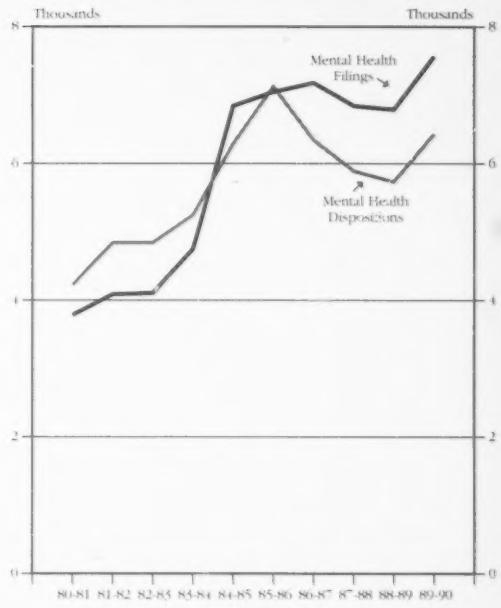
SOURCE: TABLE 4
(D)+(E)

FIGURE 9-Criminal Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



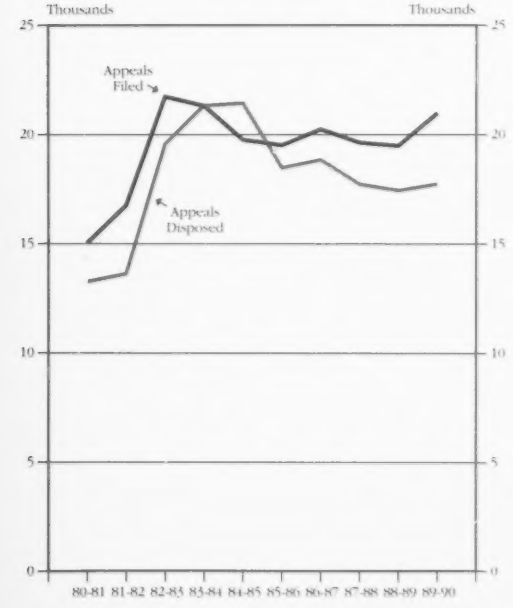
SOURCE: TABLE 4

FIGURE 10-Mental Health
Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



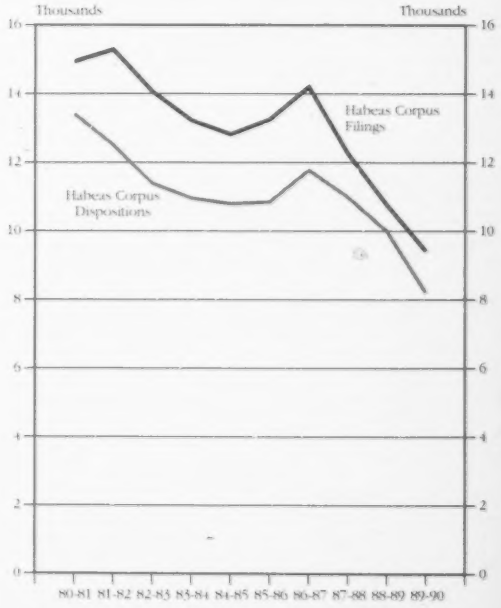
SOURCE: TABLE 4

FIGURE 11-Appeals From Lower Courts
Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 4
(H)+(I)

FIGURE 12-Habeas Corpus
Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 4
(J)+(K)

Superior Courts
Table 2

Total Filings per Judicial Position and Dispositions per Judicial Position Equivalent Fiscal Years 1980–81 through 1989–90

		Filings			Dispositions	
Fiscal year	*Total number of judicial positions* (A)	*Total* (B)	*Per judicial position* (C)	*Total number of judicial equivalents* (D)	*Total* (E)	*Per judicial position equivalent* (F)
1980–81	725	735,216[r]	1,014	709	584,391[r]	824
1981–82	723	738,363	1,021	736	581,922	791
1982–83	744	753,876	1,013	745	598,899	804
1983–84	748	780,863	1,044	760	617,225	812
1984–85	776	828,663	1,068	778	638,227	820
1985–86	789	876,269	1,111	829	653,908	789
1986–87	828	909,969	1,099	828	715,342	864
1987–88	839	920,900[r]	1,098	877	735,357[r]	838
1988–89	899	949,141[r]	1,056	875[r]	780,187[r]	892
1989–90	**905**	**979,810**	**1,083**	**934**	**831,310**	**890**

(A) Judicial positions include full-time court commissioners and referees in addition to the number of judges authorized for the court.
(B) For all types of proceedings. Sum of Table 3 column (A) and Table 4 column (A).
(C) (B)/(A).
(D) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court, and also assistance received by the court from assigned judges, temporary judges, commissioners, and referees.
(E) Excludes civil dismissals for delay in prosecution.
(F) (E)/(D).
r Revised.

Superior Courts
Table 3

Civil Filings and Dispositions Fiscal Years 1980–81 through 1989–90

Fiscal year	*Total civil* (A)	*General civil* (B)	*Probate and guardian-ship* (C)	*Family law* (D)	*Personal injury, death, & property damage*			*Eminent domain* (H)	*Other civil*	
					Total (E)	*Motor vehicle* (F)	*Other* (G)		*Com-plaints* (I)	*Petitions* (J)
Filings										
1980–81	532,556	176,605	64,779	177,255	80,970	50,723	30,247	1,719	93,916	115,917
1981–82	532,190	186,377	64,965	167,902	80,495	50,180	30,315	1,498	104,584	112,946
1982–83	540,564	195,462	65,429	161,391	85,509	51,560	33,949	1,208	108,745	118,282
1983–84	561,916	209,671	65,712	164,565	96,731	55,297	41,434	1,138	111,802	121,968
1984–85	593,120	235,519	66,786	165,613	112,335	63,929	48,406	1,319	121,865	125,202
1985–86	619,630	260,013	66,287	163,962	130,347	82,317	48,030	2,080	127,586	129,368
1986–87	636,747	258,934	66,207	173,146	137,458	90,840	46,618	1,516	119,960	138,460
1987–88	641,346	243,505	68,478	173,252	132,379	89,667	42,712	2,028	109,098	156,111
1988–89	641,802[r]	238,939[r]	67,505[r]	172,103[r]	132,319[r]	91,450[r]	40,869[r]	2,169[r]	104,451[r]	163,255[r]
1989–90	**651,373**	**225,277**	**65,659**	**172,189**	**121,960**	**82,851**	**39,109**	**1,948**	**101,369**	**188,248**
Dispositions[a]										
1980–81	401,856[r]	126,789[r]	61,780	146,660	69,077[r]	46,423[r]	22,654[r]	1,090	56,622[r]	66,627[r]
1981–82	395,317	128,819	60,513	140,126	69,984	46,406	23,578	808	58,027	65,859
1982–83	404,702	139,891	62,186	135,454	74,397	49,700	24,697	893	64,601	67,171
1983–84	424,069	139,305	62,936	142,936	73,544	46,156	27,388	490	65,271	78,892
1984–85	430,938	136,277	62,832	168,137	69,520	41,247	28,273	598	66,159	83,692
1985–86	428,827	120,322	64,880	160,952	80,634	45,911	34,723	1,208	58,480	82,673
1986–87	462,286	159,979	60,037	160,362	93,478	58,283	35,195	733	65,768	81,908
1987–88	476,514[r]	168,489	62,339[r]	147,022	103,824	66,487	37,337	789	63,876	98,664
1988–89	502,696[r]	189,193[r]	62,935[r]	145,321[r]	118,435[r]	75,181[r]	43,254[r]	1,123[r]	69,635[r]	105,247[r]
1989–90	**535,381**	**202,721**	**60,597**	**155,915**	**128,963**	**81,175**	**47,788**	**1,383**	**72,375**	**116,148**
Dispositions per 100 filings										
1980–81	75	72	95	83	85	92	75	63	60	58
1981–82	74	69	93	83	87	92	78	54	56	58
1982–83	75	72	95	84	87	96	73	74	59	57
1983–84	75	66	96	87	76	83	66	43	58	65
1984–85	73	58	94	89	62	65	58	45	54	67
1985–86	69	46	98	98	62	56	72	58	50	64
1986–87	73	62	91	93	68	64	75	48	55	59
1987–88	74	69	91	85	78	74	87	39	59	63
1988–89	78	79	93	84	90	82	106	52	67	64
1989–90	**82**	**90**	**92**	**91**	**106**	**98**	**122**	**71**	**71**	**62**

(A) (B) + (C) + (D) + (J)
(B) (E) + (H) + (I)
(E) (F) + (G)
a Excludes civil dismissals for delay in prosecution.
r Revised.

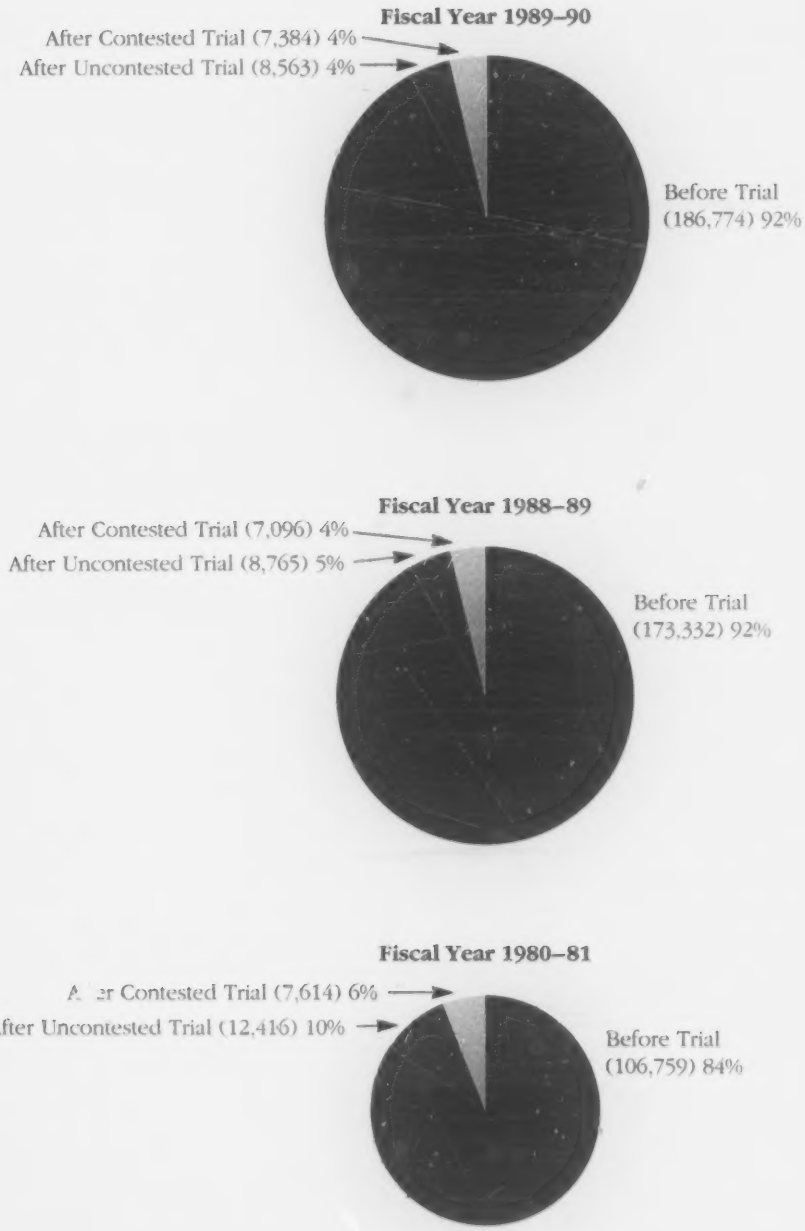
Superior Courts
Table 4

Non-Civil Filings and Dispositions Fiscal Years 1980–81 through 1989–90

Fiscal year	Total non-civil (A)	Juvenile delinquency: Original (B)	Juvenile delinquency: Subsequent (C)	Juvenile dependency: Original (D)	Juvenile dependency: Subsequent (E)	Criminal (F)	Mental health (G)	Appeals from lower courts: Civil (H)	Appeals from lower courts: Criminal (I)	Habeas corpus: Criminal (J)	Habeas corpus: Other (K)
Filings											
1980–81	202,660[r]	49,660	31,581	21,163	1,516	64,993	3,783[r]	12,513	2,522	3,599	11,330
1981–82	206,173	49,821	29,770	21,843	1,202	67,411	4,085	14,138	2,621	3,682	11,600
1982–83	213,312	48,338	29,426	22,027	1,230	72,390	4,106	18,635	3,098	3,723	10,339
1983–84	218,947	46,433	29,600	27,258	1,806	74,567	4,749	17,681	3,632	4,801	8,420
1984–85	235,543	48,727	30,961	32,054	1,754	82,621	6,843	16,377	3,388	4,891	7,927
1985–86	256,639	51,853	32,626	34,839	2,046	95,467	7,046	16,218	3,297	5,284	7,963
1986–87	273,222	52,893	33,824	37,028	2,929	104,929	7,180	16,819	3,423	6,549	7,648
1987–88	279,554[r]	49,375	35,067	35,987	4,856[r]	115,539	6,842	16,146	3,486	5,454	6,802
1988–89	307,339[r]	52,486[r]	37,823[r]	39,403[r]	7,088[r]	133,495[r]	6,789[r]	16,040[r]	3,453[r]	4,337[r]	6,425[r]
1989–90	**328,437**	**55,623**	**39,687**	**37,375**	**6,827**	**150,975**	**7,564**	**17,464**	**3,507**	**3,782**	**5,633**
Dispositions											
1980–81	182,535[r]	48,385	27,879	15,313	1,748	58,308[r]	4,224[r]	11,016	2,250	3,136	10,276
1981–82	186,605	48,456	27,795	15,581	2,807	60,998	4,842	11,154	2,470	3,080	9,422
1982–83	194,197	45,774	27,502	15,142	2,706	67,261	4,842	16,688	2,893	3,074	8,315
1983–84	193,156	44,342	26,259	16,208	2,287	66,535	5,245	18,155	3,169	3,625	7,331
1984–85	207,289	44,520	26,623	20,482	2,550	74,591	6,290	18,146	3,289	3,829	6,969
1985–86	225,081	47,563	19,075	30,074	3,712	88,212	7,124	15,385	3,092	4,140	6,704
1986–87	253,056	49,206	29,775	34,325	4,045	98,741	6,342	15,419	3,426	5,295	6,482
1987–88	258,843[r]	47,218	29,802	34,680	4,077[r]	108,458[r]	5,889[r]	14,132	3,598	5,190	5,799
1988–89	277,491[r]	46,635[r]	31,261[r]	36,458[r]	5,254[r]	124,715[r]	5,734[r]	14,204[r]	3,241[r]	4,147[r]	5,842
1989–90	**295,929**	**48,301**	**33,411**	**36,548**	**5,009**	**140,294**	**6,429**	**14,611**	**3,127**	**3,443**	**4,756**
Dispositions per 100 filings											
1980–81	90	97	88	72	115	90	112	88	89	87	91
1981–82	91	97	93	71	234	90	119	79	94	84	81
1982–83	91	95	93	69	220	93	118	90	93	83	80
1983–84	88	95	89	59	127	89	110	103	87	76	87
1984–85	88	91	86	64	145	90	92	111	97	78	88
1985–86	88	92	58	86	181	92	101	95	94	78	84
1986–87	93	93	88	93	138	94	88	92	100	81	85
1987–88	93	96	85	96	84	94	86	88	103	95	85
1988–89	90	89	83	93	74	93	84	89	94	96	91
1989–90	**90**	**87**	**84**	**98**	**73**	**93**	**85**	**84**	**89**	**91**	**84**

(A) Sum of columns (B) through (K).
r Revised.

FIGURE 13-Distribution of General Civil Dispositions Fiscal Years 1989–90, 1988–89, and 1980–81


Fiscal Year 1989–90
After Contested Trial (7,384) 4%
After Uncontested Trial (8,563) 4%
Before Trial (186,774) 92%
Fiscal Year 1988–89
After Contested Trial (7,096) 4%
After Uncontested Trial (8,765) 5%
Before Trial (173,332) 92%
Fiscal Year 1980–81
After Contested Trial (7,614) 6%
After Uncontested Trial (12,416) 10%
Before Trial (106,759) 84%

SOURCE: TABLE 6

Superior Courts
Table 5

Dispositions by Type of Proceeding
Percent Distribution
Fiscal Year 1989–90

Type of proceeding	*Total dispositions* (A)	*Percent before trial* (B)	*Percent after uncontested trial* (C)	*Percent after contested trial* (D)
All proceedings	831,310	66%	26%	8%
General civil	202,721	92	4	4
P.I., death, and prop. damage	128,963	97	2	2
Motor vehicles	81,175	98	1	1
Other	47,788	96	2	2
Eminent domain	1,383	87	6	8
Other civil complaints	72,375	84	9	7
Probate and guardianship	60,597	16	78	6
Family law	155,915	67	28	5
Other civil petitions	116,148	69	26	5
Mental health	6,429	9	77	14
Juvenile	123,269	22	62	16
Delinquency	81,712	14	69	16
Dependency	41,557	37	48	16
Criminal	140,294	94	1	4
Appeals from lower courts	17,738	11	–	89
Civil	14,611	5	–	95
Criminal	3,127	39	–	61
Habeas corpus	8,199	72	–	28
Criminal	3,443	88	–	12
Other	4,756	60	–	40

(A) From Tables 3 and 4.
(B) Table 6, column (A) divided by column (A) from this table.
(C) Table 6, column (D) divided by column (A) from this table.
(D) Table 6, column (G) divided by column (A) from this table.

Superior Courts
Table 6

Dispositions by Type of Proceeding Fiscal Years 1989–90, 1988–89, and 1980–81

Type of proceeding	*Dispositions before trial*			*Dispositions after uncontested trial*			*Dispositions after contested trial*		
	1989–90 (A)	*1988–89* (B)	*1980–81* (C)	*1989–90* (D)	*1988–89* (E)	*1980–81* (F)	*1989–90* (G)	*1988–89* (H)	*1980–81* (I)
All proceedings	548,396	497,476[r]	234,623	213,221	214,110[r]	284,755	69,693	68,601[r]	65,013
General civil	186,774	173,332	106,759	8,563	8,765	12,416	7,384	7,096	7,614
P.I., death, and prop. damage	124,865	114,535	65,563	1,997	2,187	1,603	2,101	1,713	1,911
Motor vehicles	79,156	73,085[r]	44,721	1,089	1,410[r]	861	930	686[r]	841
Other	45,709	41,450[r]	20,842	908	777[r]	742	1,171	1,027[r]	1,070
Eminent domain	1,198	1,004[r]	785	79	35	135	106	84	170
Other civil complaints	60,711	57,793[r]	40,411	6,487	6,543[r]	10,678	5,177	5,299[r]	5,533
Probate and guardianship	9,715	8,336[r]	3,582	47,342	51,381[r]	53,634	3,540	3,218[r]	4,564
Family law	103,998	91,147[r]	12,518	43,447	44,288[r]	121,898	8,470	9,886[r]	12,244
Other civil petitions	80,093	72,151[r]	39,004	30,510	28,074[r]	25,305	5,545	5,022[r]	2,318
Mental health	581	785[r]	281	4,945	4,010[r]	3,332	903	939[r]	611
Juvenile	26,985	25,635	11,863	76,514	75,913	66,923	19,770	18,060	14,539
Delinquency	11,767	11,811[r]	9,258	56,621	53,964[r]	55,032	13,324	12,121[r]	11,974
Dependency	15,218	13,824[r]	2,605	19,893	21,949[r]	11,891	6,446	5,939[r]	2,565
Criminal	132,413	117,077[r]	51,820	1,900	1,679[r]	1,247	5,981	5,959[r]	5,241
Appeals from lower courts	1,956	2,109	1,087	–	–	–	15,782	15,336	12,179
Civil	744	818[r]	499	–	–	–	13,867	13,386[r]	10,517
Criminal	1,212	1,291[r]	588	–	–	–	1,915	1,950[r]	1,662
Habeas corpus	5,881	6,904	7,709	–	–	–	2,318	3,085	5,703
Criminal	3,025	3,450[r]	2,286	–	–	–	418	697[r]	850
Other	2,856	3,454	5,423	–	–	–	1,900	2,388	4,853

(A), (B), (C) Excludes civil dismissals for delay in prosecution.
r Revised.

Superior Courts
Table 7

Criminal Conviction Rates
Fiscal Year 1989–90

	Total defendants disposed	*Defendants convicted of felony crimes*	*Defendants convicted of misdemeanor crimes*	*Defendants acquitted, dismissed, or transferred*
	(A)	(B)	(C)	(D)
Total	140,294	129,643	2,102	8,549
Before trial	132,413	123,552	1,674	7,187
After court trial	2,396	1,848	107	441
After jury trial	5,485	4,243	321	921

	Percent of defendants disposed	*Percent convicted of felony crimes*	*Percent convicted of misdemeanor crimes*	*Percent defendants acquitted, dismissed, or transferred*
Total	100.0%	92.4%	1.5%	6.1%
Before trial	100.0	93.3	1.3	5.4
After court trial	100.0	77.1	4.5	18.4
After jury trial	100.0	77.4	5.9	16.8

(A) (B) + (C) + (D).

Superior Courts
Table 8

Criminal Dispositions
Fiscal Years 1980–81 through 1989–90

Fiscal year	*Total criminal dispositions* (A)	*Dispositions before trial*		*Disposed of after court trial* (D)	*Disposed of after jury trial* (E)
		Pleas of guilty (B)	*Other* (C)		
Number					
1980–81	58,308[r]	45,082	6,738[r]	1,944	4,544
1981–82	60,998	47,664	6,196	2,238	4,900
1982–83	67,261	52,933	6,528	2,990	4,810
1983–84	66,535	54,217	5,608	2,306	4,404
1984–85	74,591	63,121	5,358	1,950	4,162
1985–86	88,212	76,341	5,652	2,009	4,210
1986–87	98,741	85,626	6,339	2,148	4,628
1987–88	108,458[r]	94,246[r]	6,658	2,416	5,138
1988–89	124,715[r]	109,754[r]	7,323[r]	2,252[r]	5,386[r]
1989–90	**140,294**	**125,226**	**7,187**	**2,396**	**5,485**
Percent					
1980–81	100%	77%	12%	3%	8%
1981–82	100	78	10	4	8
1982–83	100	79	10	4	7
1983–84	100	81	8	3	7
1984–85	100	85	7	3	6
1985–86	100	87	6	2	5
1986–87	100	87	6	2	5
1987–88	100	87	6	2	5
1988–89	100	88	6	2	4
1989–90	**100**	**89**	**5**	**2**	**4**

(A) From Table 4, column (F).
(B) Includes pleas to felonies and misdemeanors.
(C) Dismissed before trial or transferred to another court.
r Revised.

Superior Courts
Table 9

Number of Juries and Jury Trials as a Percentage of Dispositions Fiscal Years 1980–81 through 1989–90

Fiscal year	All proceedings				Personal injury				Criminal			
			As a percent of dispositions				As a percent of dispositions				As a percent of dispositions	
	Juries sworn (A)	Jury trials (B)	Juries sworn (C)	Jury trials (D)	Juries sworn (E)	Jury trials (F)	Juries sworn (G)	Jury trials (H)	Juries sworn (I)	Jury trials (J)	Juries sworn (K)	Jury trials (L)
1980–81	7,913	7,469	2.0%	1.9%	1,687	1,783	2.4%	2.6%	5,048	4,544	8.7%	7.8%
1981–82	8,381	8,001	2.1	2.0	1,690	1,707	2.4	2.4	5,278	4,900	8.7	8.0
1982–83	8,956	7,775	2.2	1.9	1,845	1,593	2.5	2.1	5,288	4,810	7.9	7.2
1983–84	8,971	7,520	2.2	1.8	2,147	1,561	2.9	2.1	4,782	4,404	7.2	6.6
1984–85	8,112	6,897	1.9	1.6	2,033	1,365	2.9	2.0	4,600	4,162	6.2	5.6
1985–86	9,483	7,399	2.1	1.7	1,917	1,510	2.4	1.9	4,910	4,210	5.6	4.8
1986–87	9,980	8,025	2.1	1.7	1,583	1,457	1.7	1.6	5,328	4,628	5.4	4.7
1987–88	8,923	8,081	1.8	1.6	1,392	1,608	1.3	1.5	5,570	5,138	5.1	4.7
1988–89	8,934[r]	7,980[r]	1.7	1.5	1,605[r]	1,463[r]	1.4	1.2	5,642[r]	5,386[r]	4.5	4.3
1989–90	**9,925**	**8,453**	**1.8**	**1.5**	**2,223**	**1,705**	**1.7**	**1.3**	**5,953**	**5,485**	**4.2**	**3.9**

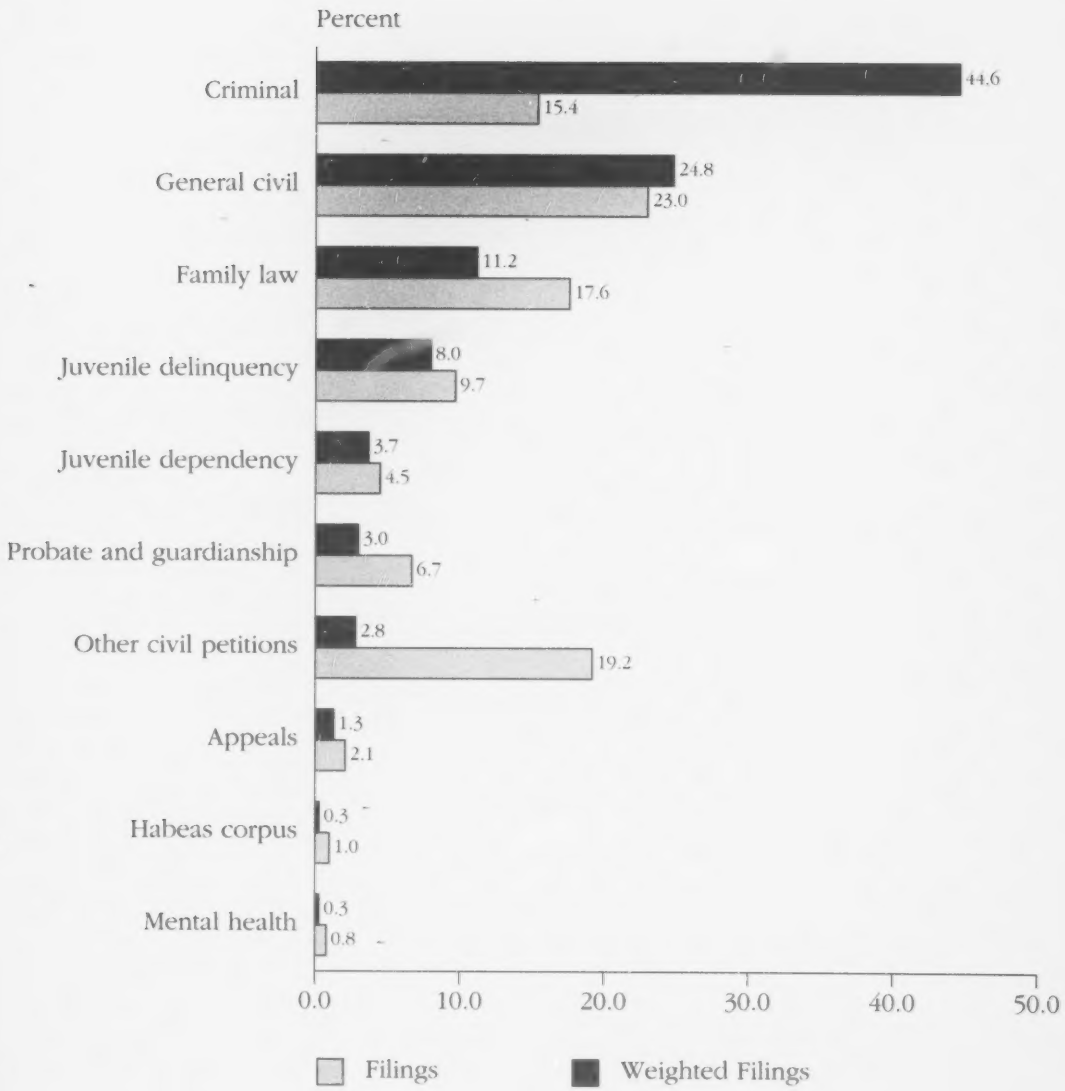
(C), (D) Only includes dispositions for types of proceedings for which jury trials occur: mental health, criminal, general civil, family law, and probate & guardianship. However, some of these proceedings (such as family law) include filings for which jury trials are not possible.
(G), (H) As a percentage of personal injury dispositions only.
(K), (L) As a percentage of criminal dispositions only.
r Revised.

Number of Full-Time Judicial Positions and Judicial Position Equivalents As of June 30, 1981 through 1990

As of June 30.	*Judicial positions*							*Judicial position equivalents*	
			Judges		*Court commissioners and referees*				
	Total (A)	*Change from preceding year* (B)	*Total* (C)	*Change from preceding year* (D)	*Total* (E)	*Commissioners* (F)	*Referees* (G)	*Total* (H)	*Change from preceding year* (I)
1981	725	20	628	21	97	74	23	709	21
1982	723	– 2	628	0	95	73	22	736	27
1983	744	21	648	20	96	76	20	745	9
1984	748	4	655	7	93	78	15	760	15
1985	776	28	677	22	99	82	17	778	18
1986	789	13	687	10	102	85	17	829	51
1987	828	39	724	37	104	86	18	828	– 1
1988	839	11	725	1	114	92	22	877	49
1989	899	60	788	63	111	94	17	875[r]	– 2
1990	**905**	**6**	**789**	**1**	**116**	**101**	**15**	**934**	**59**

(A) (C) + (E).
(E) (F) + (G).
(H) Judicial position equivalent figures for the Los Angeles Superior Court for fiscal years 1986–87 and 1987–88 and the Placer Superior Court for fiscal year 1987–88 were replaced with actual judicial positions due to the delinquency of reporting assistance for these periods.
r Revised.

FIGURE 14-Percent Distribution of Filings and Weighted Filings Fiscal Year 1989–90



SOURCE: TABLE 11

Superior Courts
Table 11

Filings, Weighted Filings, and Required Judicial Positions By Type of Proceeding Fiscal Year 1989–90

Type of proceeding	*FY 1989–90 filings*		*FY 1989–90 weighted filings*			*FY 1989–90 required judicial positions*	*FY 1988–89 required judicial positions*
	Number (A)	*Percent of total* (B)	*Weight* (C)	*Number* (D)	*Percent of total* (E)	(F)	(G)
All proceedings	979,810	100.0%	–	99,165,167	100.0%	1,053	1,007[r]
General civil							
P.I., death, and prop. damage	121,960	12.4	67	10,132,437	10.2	108	117[r]
Eminent domain	1,948	0.2	171	413,054	0.4	4	5
Other civil complaints	101,369	10.3	112	14,078,127	14.2	149	154
Probate and guardianship	65,659	6.7	36	2,931,018	3.0	31	32
Family law	172,189	17.6	52	11,102,747	11.2	118	118[r]
Other civil petitions	188,248	19.2	12	2,801,130	2.8	30	26
Mental health	7,564	0.8	35	328,278	0.3	3	3
Juvenile							
Delinquency	95,310	9.7	67	7,918,355	8.0	84	80[r]
Dependency	44,202	4.5	67	3,672,302	3.7	39	41
Criminal	150,975	15.4	236	44,181,324	44.6	469	415[r]
Appeals from lower courts	20,971	2.1	51	1,326,206	1.3	14	13
Habeas corpus	9,415	1.0	24	280,190	0.3	3	3

(A) From Tables 3 and 4.
(B) Percentages may not add to total due to rounding.
(C) Current weights were approved by the Judicial Council in February 1988 and apply to all superior courts. These weights reflect the average judicial time spent on case-related activities and do not include time required for non-case-related activities.
(D) (A) × (C) × 1.24. Weighted filings estimate the total time required by judges in disposition of the caseload and include both case-related and non-case-related activities. The product is 124% of case-related weighted filings.
(E) Percentages may not add to total due to rounding.
(F) (D)/94,170. Figures represent judicial positions required to dispose of the weighted caseload; 94,170 is the average number of minutes a year a judge spends on case-related and non-case-related activities.
(G) Based on fiscal year 1988–89 filings. Most of the required judicial position increase from 1988–89 to 1989–90 is due to criminal filings.
r Revised.

Superior Courts
Table 12

General Civil Cases
Dispositions per 100 Filings[a]
Fiscal Years 1985–86 through 1989–90

	1985–86	*1986–87*	*1987–88*	*1988–89*	*1989–90*
Statewide	**63**	**67**	**99**	**103[r]**	**106**
Mandatory delay reduction program courts					
Total	**66**	**71**	**104**	**109**	**114**
Alameda	50	52	72	90	86
Contra Costa	68	61	99	153	157
Kern	53	64	107	90	124
Los Angeles	79	82	117	117	131
Orange	54	56	106	81	84
Riverside	66	61	55	76	75
Sacramento	54	70	115	136	156
San Diego	47	63	79	105	98
San Francisco	53	64	102	129	77
Voluntary delay reduction program courts[b]					
Total	**60[r]**	**58[r]**	**74[r]**	**87[r]**	**98**
Fresno	57	57	66	65	69
Humboldt	54	42	101	118	179
Lake	43	62	139	164	197
Mendocino	37	37	50	28	110
Napa	68	50	118	100	143
San Joaquin	64	60	50	76	114
Santa Barbara	58	57	95	182	135
Sonoma	80	82	93	86	98
Tehama[b]	50	27	60	74	63
Yolo	50	59	56	106	101
Nonparticipating courts[b]					
Total	**54[r]**	**55[r]**	**91[r]**	**90[r]**	**82**
Alpine	62	29	71	57	41
Amador	22	23	14	20[r]	18
Butte	56	61	59	70	129
Calaveras	51	55	37	50	67[1]
Colusa	58	70	69	53	239
Del Norte	59	68	149	62	133
El Dorado	44	57	70	61	81
Glenn	51	88	154	105	139
Imperial	40	52	39	100	69
Inyo	128	61	87	71	72
Kings	50	62	75	55[r]	98
Lassen	113	71	79	49	54
Madera	41	58	57	39	46

General Civil Cases
Dispositions per 100 Filings[a]
Fiscal Years 1985–86 through 1989–90

	1985–86	*1986–87*	*1987–88*	*1988–89*	*1989–90*
Nonparticipating courts (continued)					
Marin	58	54	97	112	108
Mariposa	86	76	72	189	193
Merced	58	49	83	162	67
Modoc	40	43	58	61	81
Mono	65	74[r]	64	54	52
Monterey	53	54	102	115	119
Nevada	55	70	58	71	55
Placer	69	55	59	59	82
Plumas	49	100	65	53	34
San Benito	51	50	25	46	88
San Bernardino	45	46	119	52	65
San Luis Obispo	54	60	71	148	82
San Mateo	51	48	127	94	59
Santa Clara	57	60	89	125	71
Santa Cruz	55	61	121	110	83
Shasta	28	33	66	55	68
Sierra	33	50	28	58	219
Siskiyou	61	64	52	66	79
Solano	44	44	55	54[r]	75
Stanislaus[b]	54	73	98	113	244
Sutter	64	55	66	94	91
Trinity	62	79	86	105	125
Tulare	65	62	103	63	66
Tuolumne	67	71	72	79	81
Ventura[b]	70	53	64	82	78
Yuba	29	35	51	36[r]	81

a Dispositions include dismissals due to delay in prosecution. Numbers in Table 3 and lines in Figure 5 do not include these dismissals.
b Tehama is included with the courts having voluntary delay reduction programs and removed from the list of nonparticipating courts as it adopted a delay reduction program on April 3, 1990. Stanislaus and Ventura were removed from the list of volunteer courts and included with the nonparticipating courts as they no longer are participants in the overall delay reduction program.
i Incomplete.
r Revised.

FIGURE 15-Civil Cases Awaiting Trial
Fiscal Years 1980-81 through 1989-90

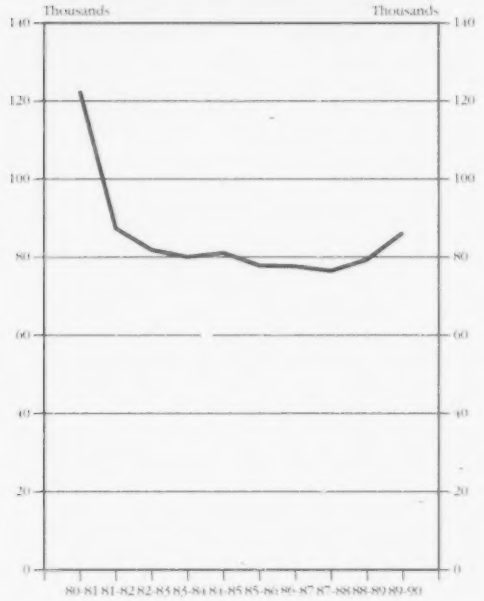
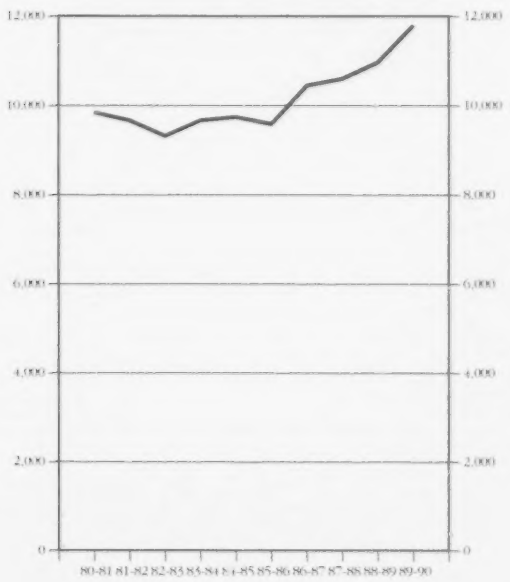


FIGURE 16-Criminal Cases Awaiting Trial
Fiscal Years 1980-81 through 1989-91



Superior Courts
Table 13

Civil Cases Awaiting Trial As of June 30, 1986 through 1990

	Civil cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1986	*1987*	*1988*	*1989*	*1990*	*1986*	*1987*	*1988*	*1989*	*1990*
Statewide total	**77,790**	**77,607**	**76,433**	**79,301**[r]	**86,190**	**113**	**107**	**105**	**101**[r]	**109**
Mandatory delay reduction program courts										
Total	**62,586**	**61,781**	**59,296**	**61,970**[r]	**66,189**	**137**	**129**	**124**	**119**[r]	**128**
Alameda	4,716	4,483	4,142	4,051	5,251	152	132	122	119	154
Contra Costa	982	1,077	1,224	2,455	1,822	65	72	82	144	107
Kern	971	1,014	1,019	1,387	1,575	75	68	68	92	105
Los Angeles	36,757	35,479	32,803	31,313	33,382	164	158	146	152	140
Orange	5,951	7,008	6,490	7,602	6,988	117	130	120	129	118
Riverside	1,257	1,111	1,101	1,107	3,456	66	57	50	46	144
Sacramento	2,878	3,273	1,882	1,870	2,492	107	113	65	58	78
San Diego	6,107	5,798	9,141	9,826[r]	8,451	125	100	158	138[r]	119
San Francisco	2,967	2,538	1,494	2,359	2,772	106	88	52	81	96
Voluntary delay reduction program courts[b]										
Total	**3,038**[r]	**2,978**[r]	**2,888**[r]	**3,223**[r]	**4,612**	**51**[r]	**49**[r]	**47**[r]	**49**[r]	**70**
Fresno	592	617	632	706	1,105	59	59	57	42	65
Humboldt	194	216	155	112	202	65	72	52	37	67
Lake	58	70	71	104	80	29	35	35	52	40
Mendocino	154	133	157	101	89	77	67	79	34	30
Napa	160	200	175	276	371	53	67	58	92	124
San Joaquin	594	499	532	479	597	54	45	48	37	46
Santa Barbara	529	484	411	567	699	53	48	41	57	70
Sonoma	475	509	482	525	1,173	59	64	54	58	130
Tehama[b]	84	70	53	55	78	42	35	27	28	39
Yolo	198	180	220	298	218	66	60	73	75	55
Nonparticipating courts[b]										
Total	**12,166**[r]	**12,848**[r]	**14,249**[r]	**14,108**[r]	**15,389**	**71**[r]	**70**[r]	**78**[r]	**69**[r]	**75**
Alpine	5	4	7	3	2	5	4	7	3	2
Amador	73	77	66	94[r]	83	73	77	66	94[r]	83
Butte	253	215	237	302	319	84	54	59	76	80
Calaveras	i	i	i	125[r]	i	–	–	–	125[r]	–
Colusa	59	27	20	19	25	59	27	20	19	25
Del Norte	11	16	11	16	25	11	16	11	16	25
El Dorado	223	223	228	209	218	74	74	76	70	73

Superior Courts
Table 13
(Continued)

Civil Cases Awaiting Trial As of June 30, 1986 through 1990

	Civil cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1986	*1987*	*1988*	*1989*	*1990*	*1986*	*1987*	*1988*	*1989*	*1990*
Nonparticipating courts (continued)										
Glenn	16	14	13	6	13	16	14	13	6	13
Imperial	94	79	66	71	85	31	26	22	24	28
Inyo	46	58	65	69	66	46	58	65	69	66
Kings	102	86	132	129	307	51	43	66	43	102
Lassen	44	57	41	44	22	44	57	41	44	22
Madera	68	96	101	116	167	34	48	51	58	56
Marin	677	706	663	895	996	113	118	111	149	166
Mariposa	27	24	14	10	13	27	24	14	10	13
Merced	124	139	134	141	136	41	46	45	47	45
Modoc	3	4	3	2	1	3	4	3	2	1
Mono	83	76	64	56	40	83	76	64	56	40
Monterey	247	221	307	273	289	31	28	38	34	36
Nevada	163	173	176	185	103	82	87	88	62	34
Placer	368	250	550	731	877	92	63	138	183	219
Plumas	60	62	97	75	75	60	62	97	75	75
San Benito	38	25	33	49	56	38	25	33	49	56
San Bernardino	1,695	1,761	2,272	2,059	2,487	71	70	91	74	89
San Luis Obispo	1,110	824	828	901	777	278	206	207	180	155
San Mateo	1,042	943	892	1,081	1,130	74	59	56	64	66
Santa Clara	2,133	2,544	3,150	2,390	1,983	65	75	93	54	45
Santa Cruz	518	687	619	512	330	130	172	155	102	66
Shasta	509	624	645	781	857	170	156	161	195	214
Sierra	7	8	5	11	10	7	8	5	11	10
Siskiyou	64	41	44	28	47	64	41	44	28	47
Solano	364	444	452	493[r]	545	73	63	65	70[r]	78
Stanislaus[b]	611	774	692	604	735	76	97	87	76	92
Sutter	123	151	132	83	131	62	76	66	28	44
Trinity	28	i	i	16	20	28	–	–	16	20
Tulare	247	192	171	216	276	41	27	24	31	39
Tuolumne	96	125	115	133	133	96	125	115	67	67
Ventura[b]	801	1,077	1,133	1,146	1,977	62	72	76	76	132
Yuba	34	21	71	34[r]	33	17	7	24	11[r]	11

a Cases awaiting trial per authorized judge is equal to the total number awaiting trial divided by the number of authorized judges. So the number of authorized judges can be calculated by dividing the total number awaiting trial by the number per authorized judge.

b Tehama is included with the courts having voluntary delay reduction programs and removed from the list of nonparticipating courts as it adopted a delay reduction program on April 3, 1990. Stanislaus and Ventura were removed from the list of volunteer courts and included with the nonparticipating courts as they no longer are participants in the overall delay reduction program.

r Revised.

i Incomplete.

Superior Courts
Table 14

Civil Cases Awaiting Trial in Which At-Issue Memoranda More than One Year Old As of June 30, 1990 and June 30, 1989

	As of June 30, 1990			As of June 30, 1989		
	Civil cases awaiting trial (A)	*Cases in which at-issue memoranda more than one year old* (B)	*Percent of total* (C)	*Civil cases awaiting trial* (A)	*Cases in which at-issue memoranda more than one year old* (B)	*Percent of total* (C)
Statewide total	**86,190**	**21,957**	**25%**	**79,301[r]**	**18,191[r]**	**23%[r]**
Mandatory delay reduction program courts						
Total	**66,189**	**19,182**	**29**	**61,970[r]**	**15,925[r]**	**26[r]**
Alameda	5,251	2,149	41	4,051	1,311	32
Contra Costa	1,822	384	21	2,455	210	9
Kern	1,575	310	20	1,387	189	14
Los Angeles	33,382	10,430	31	31,313	9,941	32
Orange	6,988	1,138	16	7,602	701	9
Riverside	3,456	1,327	38	1,107	88	8
Sacramento	2,492	426	17	1,870	337	18
San Diego	8,451	2,704	32	9,826[r]	2,891[r]	29[r]
San Francisco	2,772	314	11	2,359	257	11
Voluntary delay reduction program courts[a]						
Total	**4,612**	**252**	**5**	**3,223[r]**	**131[r]**	**4[r]**
Fresno	1,105	0	0	706	0	0
Humboldt	202	0	0	112	1	1
Lake	80	0	0	104	0	0
Mendocino	89	0	0	101	0	0
Napa	371	64	17	276	22	8
San Joaquin	597	12	2	479	9	2
Santa Barbara	699	1	0	567	5	1
Sonoma	1,173	140	12	525	33	6
Tehama[a]	78	0	0	55	0	0
Yolo	218	35	16	298	61	20
Nonparticipating courts[a]						
Total	**15,389**	**2,523**	**16**	**14,108[r]**	**2,135[r]**	**15[r]**
Alpine	2	0	0	3	0	0
Amador	83	18	22	94[r]	24[r]	26[r]
Butte	319	55	17	302	35	12
Calaveras	i	i	i	125[r]	6[r]	5[r]
Colusa	25	0	0	19	0	0
Del Norte	25	4	16	16	2	13
El Dorado	218	0	0	209	15	7
Glenn	13	0	0	6	0	0

Superior Courts
Table 14
(Continued)

Civil Cases Awaiting Trial in Which At-Issue Memoranda More than One Year Old As of June 30, 1990 and June 30, 1989

	As of June 30, 1990			*As of June 30, 1989*		
	Civil cases awaiting trial (A)	*Cases in which at-issue memoranda more than one year old* (B)	*Percent of total* (C)	*Civil cases awaiting trial* (D)	*Cases in which at-issue memoranda more than one year old* (E)	*Percent of total* (F)
Nonparticipating courts (continued)						
Imperial	85	13	15%	71	14	20%
Inyo	66	18	27	69	17	25
Kings	307	89	29	129	0	0
Lassen	22	6	27	44	8	18
Madera	167	0	0	116	0	0
Marin	996	122	12	895	81	9
Mariposa	13	2	15	10	0	0
Merced	136	7	5	141	0	0
Modoc	1	0	0	2	0	0
Mono	40	18	45	56	10	18
Monterey	289	0	0	273	0	0
Nevada	103	20	19	185	32	17
Placer	877	465	53	731	329	45
Plumas	75	38	51	75	33	44
San Benito	56	1	2	49	0	0
San Bernardino	2,487	350	14	2,059	283	14
San Luis Obispo	777	182	23	901	263	29
San Mateo	1,130	0	0	1,081	0	0
Santa Clara	1,983	0	0	2,390	0	0
Santa Cruz	330	110	33	512	202	39
Shasta	857	389	45	781	322	41
Sierra	10	0	0	11	0	0
Siskiyou	47	0	0	28	0	0
Solano	545	49	9	493[r]	158[r]	32[r]
Stanislaus[a]	735	0	0	604	0	0
Sutter	131	1	1	83	1	1
Trinity	20	0	0	16	0	0
Tulare	276	19	7	216	11	5
Tuolumne	133	12	9	133	9	7
Ventura[a]	1,977	535	27	1,146	280	24
Yuba	33	0	0	34[r]	0[r]	0[r]

(A) From Table 13.
(C) (B)/(A).
a Tehama is included with the courts having voluntary delay reduction programs and removed from the list of nonparticipating courts as it adopted a delay reduction program on April 3, 1990. Stanislaus and Ventura were removed from the list of volunteer courts and included with the nonparticipating courts as they no longer are participants in the overall delay reduction program.
r Revised.
i Incomplete.

Median At-Issue to Trial for Civil Jury Cases At End of June 1986 through 1990

	Median interval in months from at-issue memo to trial for cases tried in June				
	1986	*1987*	*1988*	*1989*	*1990*
Mandatory delay reduction program courts					
Alameda	39	15	17	9	19
Contra Costa	16	16	29	8	9
Kern	32	11	18	20	12
Los Angeles	26	25	26	20	26
Orange	13	13	16	15	17
Riverside	22	18	16	15	17
Sacramento	24	22	25	13	11
San Diego	18	15	10	24[r]	11
San Francisco	17	19	15	8	15
Voluntary delay reduction program courts[a]					
Fresno	7	4	0	11	9
Humboldt	0	7	0	4	0
Lake	3	0	5	6	0
Mendocino	3	3	3	0	3
Napa	20	8	12	0	0
San Joaquin	5	4	7	17	11
Santa Barbara	24	9	24	8	18
Sonoma	18	9	16	28	22
Tehama[a]	4	5	0	0	0
Yolo	15	0	13	11	0
Nonparticipating courts[a]					
Alpine	0	0	0	0	0
Amador	18	23	0	0[r]	0[r]
Butte	0	8	9	9	29
Calaveras	i	i	i	18[r]	i
Colusa	0	13	0	0	0
Del Norte	0	0	1	0	0[r]
El Dorado	9	11	7	14	6
Glenn	36	0	0	0	0
Imperial	26	0	8	12	15
Inyo	0	0	0	0	0
Kings	0	0	7	0	0
Lassen	0	0	0	0	0
Madera	6	0	0	0	0

Median At-Issue to Trial for Civil Jury Cases At End of June 1986 through 1990

	Median interval in months from at-issue memo to trial for cases tried in June				
	1986	*1987*	*1988*	*1989*	*1990*
Nonparticipating courts (continued)					
Marin	12	15	7	10	21
Mariposa	0	15	0	0	0
Merced	34	7	0	7	0
Modoc	0	0	0	0	0
Mono	44	0	0	0	0
Monterey	5	5	1	4	5
Nevada	14	15	11	7	14
Placer	0	0	0	0	17
Plumas	0	21	0	0	0
San Benito	33	0	0	0	0
San Bernardino	10	10	14	13	16
San Luis Obispo	51	22	0	23	0
San Mateo	5	3	5	8	7
Santa Clara	9	6	14	12	5
Santa Cruz	20	25	14	20	30
Shasta	13	0	23	16	0
Sierra	0	0	0	0	0
Siskiyou	9	0	7	0	0
Solano	0	8	0	15[r]	7
Stanislaus[a]	4	4	4	4	4
Sutter	0	0	22	11	5
Trinity	0	i	i	4	0
Tulare	7	8	8	7	8
Tuolumne	0	0	0	0	0
Ventura[a]	10	0	16	2	22
Yuba	0	0	1	0[r]	12

a Tehama is included with the courts having voluntary delay reduction programs and removed from the list of nonparticipating courts as it adopted a delay reduction program on April 3, 1990. Stanislaus and Ventura were removed from the list of volunteer courts and included with the nonparticipating courts as they no longer are participants in the overall delay reduction program.

r Revised.

i Incomplete.

Criminal Cases Awaiting Trial As of June 30, 1986 through 1990

	Criminal cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1986	*1987*	*1988*	*1989*	*1990*	*1986*	*1987*	*1988*	*1989*	*1990*
Statewide total	**9,582**	**10,443**	**10,595**	**10,960**[r]	**11,790**	**14**	**14**	**15**	**14**[r]	**15**
Mandatory delay reduction program courts										
Total	**6,272**	**7,008**	**6,975**	**7,245**	**7,441**	**14**	**15**	**15**	**14**	**14**
Alameda	454	452	507	666	807	15	13	15	20	24
Contra Costa	244	244	372	387	583	16	16	25	23	34
Kern	184	416	344	364	366	14	28	23	24	24
Los Angeles	3,781	3,970	3,749	3,668	3,530	17	18	17	15	15
Orange	470	771	739	604	678	9	14	14	10	11
Riverside	105	135	69	66	83	6	6	3	3	3
Sacramento	312	343	225	338	421	12	12	8	11	13
San Diego	520	547	691	848	792	11	9	12	12	11
San Francisco	202	130	279	304	181	7	4	10	10	6
Voluntary delay reduction program courts[b]										
Total	**911**[r]	**757**[r]	**784**[r]	**813**[r]	**1,085**	**15**[r]	**12**[r]	**13**[r]	**12**[r]	**16**
Fresno	204	86	197	184	246	14	5	12	11	14
Humboldt	48	44	19	23	85	16	15	6	8	28
Lake	17	10	17	14	22	9	5	9	7	11
Mendocino	77	47	66	64	69	39	24	33	21	23
Napa	21	14	23	31	30	7	5	8	10	10
San Joaquin	196	259	171	130	216	18	24	16	10	17
Santa Barbara	80	82	103	116	89	8	8	10	12	9
Sonoma	198	143	133	182	246	25	16	15	20	27
Tehama[b]	13	13	15	11	9	7	7	8	6	5
Yolo	57	59	40	58	73	19	20	13	15	18
Nonparticipating courts[b]										
Total	**2,399**[r]	**2,678**[r]	**2,836**[r]	**2,902**[r]	**3,264**	**14**[r]	**15**[r]	**15**[r]	**14**[r]	**16**
Alpine	0	0	0	0	1	0	0	0	0	1
Amador	27	42	33	51[r]	58	27	42	33	51[r]	58
Butte	48	54	53	56	82	16	14	13	14	21
Calaveras	i	i	i	6[r]	i	–	–	–	6[r]	–
Colusa	12	16	9	6	3	12	16	9	6	3
Del Norte	8	12	11	0	0	8	12	11	0	0
El Dorado	34	43	43	71	60	11	14	14	24	20
Glenn	1	6	6	7	14	1	6	6	7	14
Imperial	0	0	0	0	0	0	0	0	0	0

Criminal Cases Awaiting Trial As of June 30, 1986 through 1990

	Criminal cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1986	*1987*	*1988*	*1989*	*1990*	*1986*	*1987*	*1988*	*1989*	*1990*
Nonparticipating courts (continued)										
Inyo	2	0	4	0	9	2	0	4	0	9
Kings	56	20	18	75	45	28	10	9	25	15
Lassen	16	10	11	19	8	16	10	11	19	8
Madera	33	97	104	85	87	17	49	52	43	29
Marin	28	17	26	22	57	5	3	4	4	10
Mariposa	3	1	4	3	3	3	1	4	3	3
Merced	20	23	39	23	39	7	8	13	8	13
Modoc	4	2	5	2	4	4	2	5	2	4
Mono	1	1	2	3	2	1	1	2	3	2
Monterey	69	88	82	42	52	9	11	10	5	7
Nevada	45	26	45	29	10	23	13	23	10	3
Placer	49	66	64	91	52	12	17	16	23	13
Plumas	16	9	13	0	0	16	9	13	0	0
San Benito	8	0	15	7	13	8	0	15	7	13
San Bernardino	334	439	549	544	640	14	18	22	19	23
San Luis Obispo	29	64	64	47	45	7	16	16	9	9
San Mateo	234	311	264	185	234	17	19	17	11	14
Santa Clara	728	666	478	518	637	22	20	14	12	14
Santa Cruz	59	38	67	109	104	15	10	17	22	21
Shasta	109	83	123	106	101	36	21	31	27	25
Sierra	0	0	0	0	0	0	0	0	0	0
Siskiyou	3	1	8	6	5	3	1	8	6	5
Solano	61	92	130	163[r]	157	12	13	19	23[r]	22
Stanislaus[b]	76	116	184	205	284	10	15	23	26	36
Sutter	10	18	15	11	20	5	9	8	4	7
Trinity	0	i	i	0	0	0	–	–	0	0
Tulare	135	134	140	181	199	23	19	20	26	28
Tuolumne	25	30	47	61	48	25	30	47	31	24
Ventura[b]	116	153	161	145	178	9	10	11	10	12
Yuba	0	0	19	23[r]	13	0	0	6	8[r]	4

a Cases awaiting trial per authorized judge is equal to the total number awaiting trial divided by the number of authorized judges. So the number of authorized judges can be calculated by dividing the total number awaiting trial by the number per authorized judge.

b Tehama is included with the courts having voluntary delay reduction programs and removed from the list of nonparticipating courts as it adopted a delay reduction program on April 3, 1990. Stanislaus and Ventura were removed from the list of volunteer courts and included with the nonparticipating courts as they no longer are participants in the overall delay reduction program.

r Revised.

i Incomplete.

Criminal Juries Sworn More than 60 Days from Indictment Fiscal Years 1989–90 and 1988–89

	1989–90			1988–89		
		Juries sworn more than 60 days from indictment			Juries sworn more than 60 days from indictment	
	Total criminal juries sworn (A)	Total (B)	Percent of total (C)	Total criminal juries sworn (A)	Total (B)	Percent of total (C)
Statewide total	**5,953**	**3,977**	**67%**	**5,642[r]**	**3,368[r]**	**60%[r]**
Mandatory delay reduction program courts						
Total	**3,630**	**2,540**	**70**	**3,512**	**2,102**	**60**
Alameda	151	291	193	160	351	219
Contra Costa	217	189	87	235	188	80
Kern	235	95	40	244	87	36
Los Angeles	1,554	483	31	1,497	605	40
Orange	241	227	94	236	182	77
Riverside	198	395	199	153	47	31
Sacramento	270	324	120	282	245	87
San Diego	621	486	78	550	333	61
San Francisco	143	50	35	155	64	41
Voluntary delay reduction program courts[a]						
Total	**623**	**281**	**45**	**573[r]**	**292[r]**	**51[r]**
Fresno	187	97	52	167	86	51
Humboldt	27	16	59	29	17	59
Lake	51	0	0	32	0	0
Mendocino	34	8	24	29	12	41
Napa	34	17	50	23	26	113
San Joaquin	67	44	66	86	39	45
Santa Barbara	78	47	60	79	59	75
Sonoma	93	44	47	66	50	76
Tehama[a]	29	8	28	37	3	8
Yolo	23	0	0	25	0	0
Nonparticipating courts[a]						
Total	**1,700**	**1,156**	**68**	**1,557[r]**	**974[r]**	**63[r]**
Alpine	1	1	100	1	0	0
Amador	9	0	0	1[r]	2[r]	200[r]
Butte	101	73	72	48	47	98
Calaveras	2	0	0	7	7[r]	100[r]
Colusa	9	5	56	6	6	100
Del Norte	11	5	45	14	8	57
El Dorado	33	21	64	22	14	64
Glenn	8	9	113	8	1	13
Imperial	25	1	4	16	5	31

Criminal Juries Sworn More than 60 Days from Indictment Fiscal Years 1989–90 and 1988–89

	1989–90			1988–89		
		Juries sworn more than 60 days from indictment			Juries sworn more than 60 days from indictment	
	Total criminal juries sworn (A)	Total (B)	Percent of total (C)	Total criminal juries sworn (A)	Total (B)	Percent of total (C)
Nonparticipating courts (continued)						
Inyo	10	11	110	4	0	0%
Kings	68	34	50	40[r]	7	18[r]
Lassen	35	22	63	33	19	58
Madera	30	11	37	54	22	41
Marin	29	14	48	33	23	70
Mariposa	6	7	117	1	2	200
Merced	17	4	24	17	3	18
Modoc	3	2	67	2	1	50
Mono	1	0	0	3	1	33
Monterey	44	16	36	65	31	48
Nevada	15	12	80	30	19	63
Placer	26	19	73	20	9	45
Plumas	15	3	20	5	2	40
San Benito	0	0	–	7	0	0
San Bernardino	236	192	81	252	200	79
San Luis Obispo	20	13	65	32	23	72
San Mateo	60	58	97	73	65	89
Santa Clara	206	152	74	209	139	67
Santa Cruz	51	33	65	30	15	50
Shasta	33	0	0	27	0	0
Sierra	1	1	100	3	4	133
Siskiyou	16	0	0	16	2	13
Solano	94	65	69	105[r]	75[r]	71[r]
Stanislaus[a]	192	110	57	129	78	60
Sutter	22	10	45	17	6	35
Trinity	1	1	100	7	5	71
Tulare	84	62	74	104	78	75
Tuolumne	15	13	87	9	8	89
Ventura[a]	154	176	114	86	47	55
Yuba	17	0	0	21[r]	00	

(C) (B)/(A).
a Tehama is included with the courts having voluntary delay reduction programs and removed from the list of nonparticipating courts as it adopted a delay reduction program on April 3, 1990. Stanislaus and Ventura were removed from the list of volunteer courts and included with the nonparticipating courts as they no longer are participants in the overall delay reduction program.
r Revised.

Superior Courts
Table 18

Criminal Data
Fiscal Year 1989–90

County	Municipal and justice courts			Superior courts					
							Defendants convicted		
	Felony filings (A)	*Felony dispositions* (B)	*Bound over and guilty pleas* (C)	*Criminal filings* (D)	*Criminal dispositions* (E)	*Jury trials* (F)	*Total* (G)	*Felony* (H)	*Misdemeanor* (I)
Statewide	**239,365**	**208,482**	**145,349**	**150,975**	**140,294**	**5,485**	**131,745**	**129,643**	**2,102**
Alameda	10,500	10,071	7,068	7,129	5,498	125	5,123	5,084	39
Alpine	14	13	9	7	5	1	5	5	0
Amador	166	107	87	94	93	11	90	86	4
Butte	1,185	1,023	497	592	445	71	374	374	0
Calaveras	253	208	140	36[i]	25[i]	1[i]	22[i]	13[i]	9[i]
Colusa	142	116	71	82	92	10	74	73	1
Contra Costa	4,781	3,732	2,654	2,915	1,940	173	1,798	1,785	13
Del Norte	178	140	51	55	58	13	46	46	0
El Dorado	1,052	762	410	509	502	31	409	409	0
Fresno	7,668	8,484	4,105	3,992	1,498	177	1,358	1,346	12
Glenn	449	224	142	234	213	4	207	203	4
Humboldt	964	777	426	466	337	15	281	278	3
Imperial	1,338	816	308	341	363	39	323	308	15
Inyo	214	217	128	121	128	12	117	116	1
Kern	6,189	5,253	3,629	3,942	3,530	213	3,180	3,142	38
Kings	1,116	902	456	478	481	46	404	401	3
Lake	515	428	313	283	271	48	237	237	0
Lassen	320	334	166	169	161	32	123	121	2
Los Angeles	75,920	62,783	49,649	54,560	53,755	1,717	51,114	50,457	657
Madera	1,452	1,174	789	700	366	19	314	312	2
Marin	1,153	852	454	483	424	32	404	404	0
Mariposa	125	92	36	76	71	7	64	62	2
Mendocino	1,123	987	5	465	352	14	324	311	13
Merced	1,881	1,360	633	710	548	3	544	544	0
Modoc	137	85	43	38	27	3	22	22	0
Mono	136	159	68	62	46	1	45	39	6
Monterey	2,113	2,110	1,439	1,526	1,542	46	1,335	1,236	99
Napa	565	559	367	466	539	23	480	480	0
Nevada	695	361	281	208	221	6	203	202	1
Orange	9,155	8,380	6,373	6,277	6,071	179	5,882	5,784	98
Placer	2,175	2,149	627	685	423	21	387	366	21

Superior Courts
Table 18
(Continued)

Criminal Data
Fiscal Year 1989–90

County	*Municipal and justice courts*			*Superior courts*					
							Defendants convicted		
	Felony filings (A)	*Felony dispositions* (B)	*Bound over and guilty pleas* (C)	*Criminal filings* (D)	*Criminal dispositions* (E)	*Jury trials* (F)	*Total* (G)	*Felony* (H)	*Misdemeanor* (I)
Statewide	**239,365**	**208,482**	**145,349**	**150,975**	**140,294**	**5,485**	**131,745**	**129,643**	**2,102**
Plumas	204	82	34	69	65	6	44	44	0
Riverside	10,452	6,778	4,694	4,504	4,202	133	3,903	3,893	10
Sacramento	11,729	10,459	6,489	6,514	6,595	244	6,106	6,019	87
San Benito	281	175	146	161	88	1	79	79	0
San Bernardino	10,309	9,011	5,538	5,758	4,652	190	4,221	4,049	172
San Diego	18,394	17,551	14,097	12,530	13,164	568	12,713	12,318	395
San Francisco	7,042	6,632	4,711	4,159	4,116	136	3,997	3,963	34
San Joaquin	4,707	3,893	2,575	2,590	2,311	66	2,062	2,062	0
San Luis Obispo	1,166	904	600	678	602	17	574	561	13
San Mateo	2,618	3,097	2,505	2,513	1,795	55	1,694	1,694	0
Santa Barbara	1,989	1,773	1,423	1,444	1,468	80	1,426	1,413	13
Santa Clara	13,140	12,388	9,394	9,575	9,682	192	9,384	9,257	127
Santa Cruz	2,072	1,967	959	1,055	1,003	52	888	838	50
Shasta	1,788	1,719	945	965	907	25	812	783	29
Sierra	33	33	25	20	13	2	11	10	1
Siskiyou	460	455	184	155	151	14	148	148	0
Solano	3,344	3,277	1,527	1,632	1,153	84	1,088	1,068	20
Sonoma	2,578	1,637	996	1,119	908	71	683	682	1
Stanislaus	3,709	4,409	2,571	2,559	2,562	163	2,207	2,172	35
Sutter	796	585	382	403	341	12	322	322	0
Tehama	552	448	219	208	236	24	197	197	0
Trinity	174	395	108	65	48	1	45	44	1
Tulare	2,763	2,272	981	1,486	1,384	66	1,305	1,263	42
Tuolumne	277	229	178	181	196	14	176	176	0
Ventura	2,253	1,265	987	1,674	1,487	142	1,345	1,343	2
Yolo	2,074	1,552	794	869	688	18	638	611	27
Yuba	787	838	373	388	452	16	388	388	0

(A) Sum of felony filings in all lower courts within the county.
(B) All dispositions, including cases that will not be filed in superior court (dismissals and pleas to misdemeanors).
(C) Does not include pleas to misdemeanors; only includes dispositions that ultimately result in a superior court filing.
(G) (H) + (I).
I Incomplete.

CHAPTER 4

MUNICIPAL AND JUSTICE COURTS

During fiscal year 1989–90, approximately 16.4 million cases were filed in the municipal and justice courts. Of these, slightly more than 10.2 million were nonparking filings, an increase of 3 percent over the previous year.

Illegal parking filings, which account for more than a third of the municipal and justice courts' caseload, declined 9 percent, the only category of criminal filings that decreased. Parking violations usually are handled administratively and thus are not considered in analyzing the workload of the courts.

The largest percentage increase in filings (12 percent) occurred in traffic Group D misdemeanor cases, a category that includes driving without a valid license, reckless driving without injury, and speed contests. Since 1980–81, the number of Group D filings has more than tripled.

During 1989–90, filings increased 8 percent in each category of felony, nontraffic infraction, and traffic Group C misdemeanor cases. Since 1983–84, felony filings have jumped 68 percent. Nontraffic infraction cases have increased substantially, rising 177 percent during the past decade. However, the current increase in Group C filings (driving under the influence (DUI), hit and run, and reckless driving with injury) follows a two-year decline.

Municipal and Justice Court Profile

California has two types of trial courts below the superior court—municipal and justice courts.

The limited jurisdiction of municipal and justice courts is identical and has not changed since January 1, 1977. The courts have original trial jurisdiction in criminal misdemeanor and infraction cases. Their civil jurisdiction covers matters with a value of $25,000 or less.

Until December 31, 1990, municipal and justice courts also exercised small claims jurisdiction in cases not exceeding $2,000. The jurisdictional limit increased from $2,000 to $5,000 effective January 1, 1991.

In addition, judges at this level act as magistrates, presiding over preliminary hearings in felony cases to determine whether there is reasonable and probable cause to hold a defendant for further proceedings in superior court.

State legislation authorizes the county boards of supervisors to divide the counties into judicial districts. A municipal court is established when the judicial district's population exceeds 40,000. At the close of fiscal year 1989–90, California had 92 municipal courts with 614 judges.

Constitutional provision is made for the establishment of a justice court in each judicial district having a population of 40,000 or less.

The number of justice courts has steadily declined since the municipal and justice court reorganization in 1953. Due to the redistricting by local boards of supervisors, consolidations since 1953 have eliminated 292 justice courts. As of June 30, 1990, there were 57 justice court districts with 57 judges.

Dispositions increased

The municipal and justice courts disposed of more than 14.3 million cases during fiscal year 1989–90. With the exception of small claims cases, dispositions increased in all nonparking case categories.

Despite an increase in the small claims jurisdiction from $1,500 to $2,000 on January 1, 1989, the number of small claims cases disposed of has declined gradually since 1985–86.

Following a two-year upswing, the total number of civil cases awaiting trial in municipal courts declined 4 percent. Despite increases during the previous two years, the condition of civil calendars in the municipal courts has improved: since the close of fiscal year 1981–82, total "civil cases awaiting trial" have declined 34 percent, while total "criminal cases awaiting trial" have *increased* 36 percent.

Workload Summary and Trend Data

The charts and tables on the following pages summarize the workload of municipal and justice courts for fiscal year 1989–90 and provide trend data for the past 10 fiscal years.

The judicial statistics in this section include two performance indicators for the municipal courts. One indicator, "nonparking dispositions per judicial position equivalent," measures the judicial output of the court.

The other, "total civil and criminal cases awaiting trial per authorized judicial position," measures the workload demanded of the judicial resources authorized to each court.

The term "judicial position equivalent" refers to the estimated number of judicial officers available to a court to handle its workload. This number is calculated as follows: The number of authorized judgeships is adjusted to reflect judge vacancies and assistance given to other courts, plus assistance received from assigned and temporary judges and assistance from referees and commissioners.

For "nonparking dispositions," the average number of cases disposed of is measured by the estimated number of judicial positions actually available to the court, while for "cases awaiting trial," the average pending caseload is measured by the number of judicial positions authorized to the court.

The performance indicators for municipal courts are graphically displayed in figures 1-A to 1-E and figures 2-A to 2-E. These charts are grouped according to the number of judicial positions in each court.

To compare the demand and judicial output of each court with the demand and productivity of all municipal courts, group and statewide averages are included for each court group.

In addition to providing statistics for cases awaiting trial and nonparking cases, tables 1-A and 1-B list nonparking statistics for "filings per judicial position" and for "contested trials and jury trials per judicial position equivalent."

The tables also show how each court ranks statewide in relation to other municipal courts with respect to the five indicators. Group rankings are not included but can be obtained easily from the charts.

Court rankings are arranged from high to low value. A high ranking does not always indicate superior performance. For example, a ranking of one in the category of "nonparking dispositions per judicial position equivalent" would be interpreted quite differently from a ranking of one in the category of "total criminal and civil cases awaiting trial per judicial position."

Tables 2 to 8 and figures 3 to 12 summarize selected historical data on filings, weighted filings, dispositions, cases awaiting trial, and judicial staffing for the past 10 years.

The data combine municipal and justice courts to show the effects of legislative changes or changes in the reporting of filings and dispositions without making adjustments for justice courts that were consolidated into municipal courts.

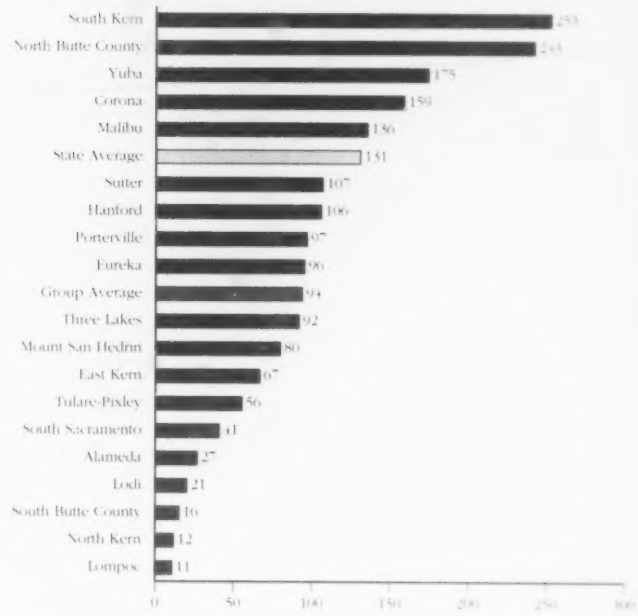
Figure 1-A

- A large number of municipal courts with one to two judicial positions had a low average number of pending cases. In this group, 12 of the 19 courts had fewer than 100 cases awaiting trial per judicial position, making their group average the lowest of all five municipal court groups.
- The group's average of 94 cases awaiting trial per judicial positions was well below the statewide average (131).
- Five municipal courts—Lompoc, North Kern, South Butte County, Lodi, and Alameda—ranked at the bottom, showing the lowest averages for pending cases statewide.
- Only two municipal courts, South Kern and North Butte County, reported average pending caseloads of over 200.

Figure 1-B

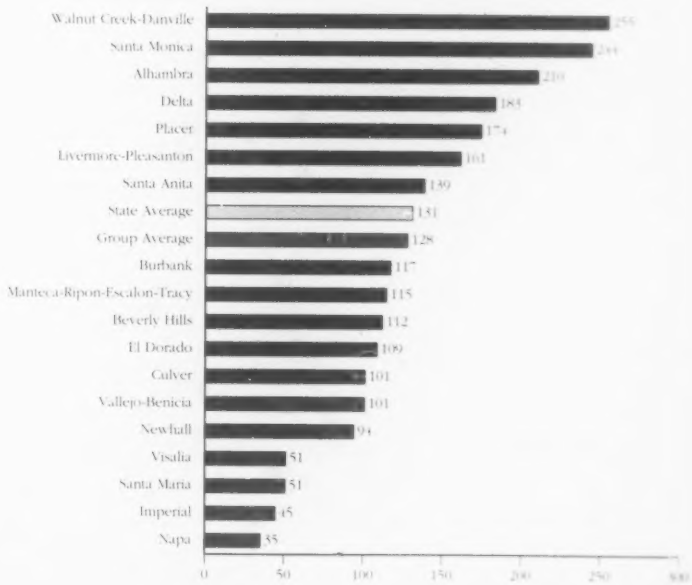
- The average of 128 cases pending per position for municipal courts with three to four positions was approximately the same as the statewide average (131).
- With 12 of the 18 municipal courts reporting lower average numbers of pending caseloads than last year, this group's average declined to 128 from 146.
- The largest reduction in average pending cases in this group was reported by the Beverly Hills Municipal Court (-50 percent).

FIGURE 1-A-For Municipal Courts with One to Two Judicial Positions Total Cases Awaiting Trial per Authorized Judicial Position At the End of Fiscal Year 1989–90



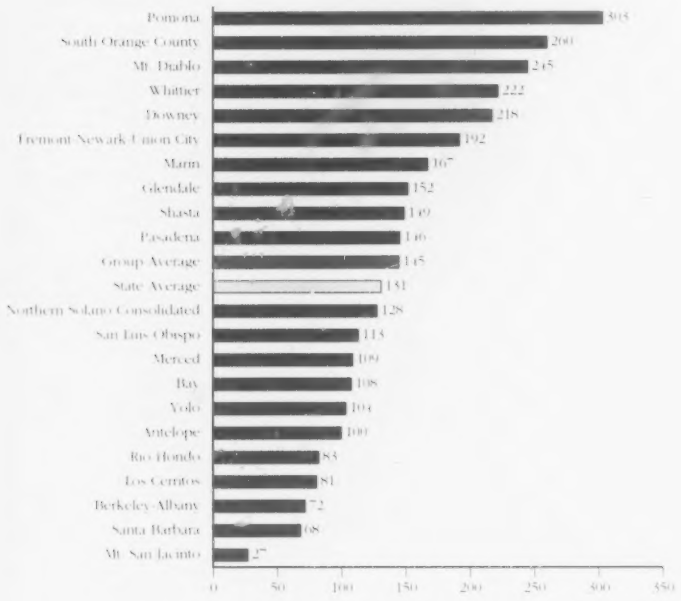
SOURCE: TABLE 1-A

FIGURE 1-B-For Municipal Courts with Three to Four Judicial Positions Total Cases Awaiting Trial per Authorized Judicial Position At the End of Fiscal Year 1989–90



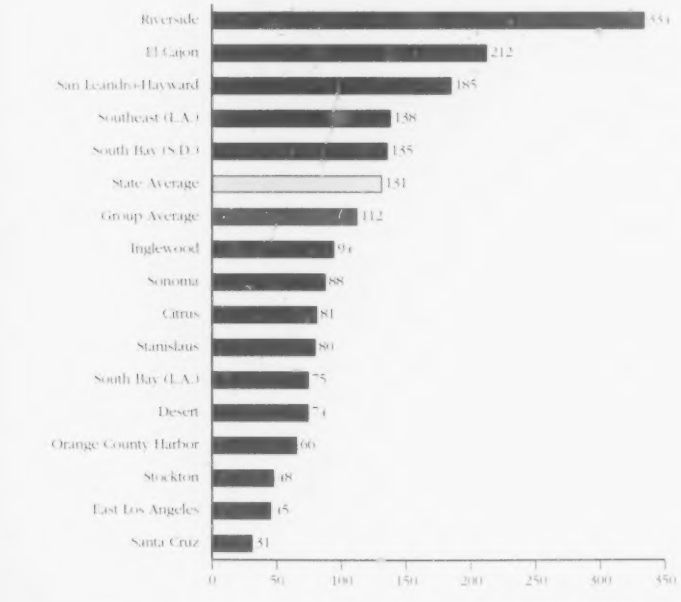
SOURCE: TABLE 1-A

FIGURE 1-C-For Municipal Courts with Five to Six Judicial Positions
Total Cases Awaiting Trial per Authorized Judicial Position
At the End of Fiscal Year 1989–90



SOURCE: TABLE 1–A

FIGURE 1-D-For Municipal Courts with Seven to Ten Judicial Positions
Total Cases Awaiting Trial per Authorized Judicial Position
At the End of Fiscal Year 1989–90



SOURCE: TABLE 1–A

Figure 1-C

- This group had the highest average number of cases awaiting trial (145) and was the only group with an average pending caseload greater than the statewide average.
- Five municipal courts—Pomona, South Orange County, Mt. Diablo, Whittier, and Downey—were among the ten courts with the highest average pending caseloads statewide.

Figure 1-D

- Municipal courts with seven to ten judicial positions had the second lowest average number of pending cases (112) among the five court groups.
- With eight of the fifteen municipal courts in this group reporting reductions in pending cases, the group's average number of cases awaiting trial declined from 132 last year to 112 this year.
- Three municipal courts in this group—Inglewood, South Bay (L.A.), and Desert—reported reductions of more than half in average numbers of pending caseloads.
- The Riverside Municipal Court had the highest average number of civil and criminal cases awaiting trial per judicial position (334) statewide.

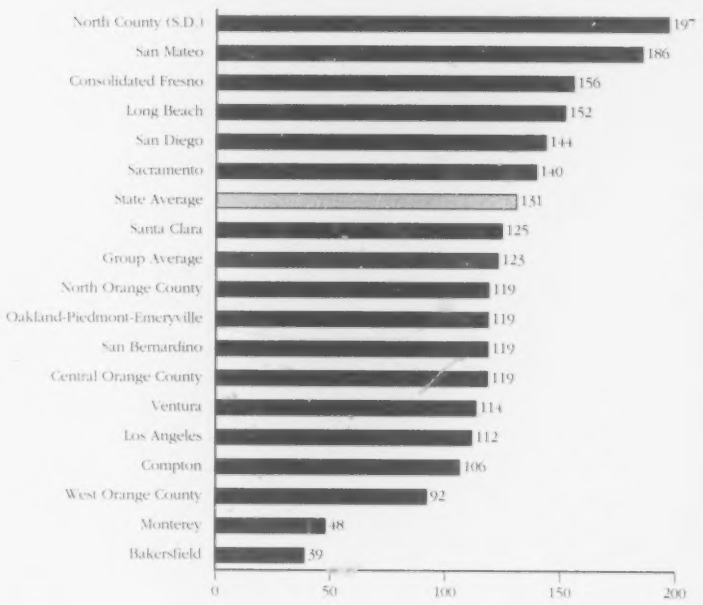
Figure 1-E

- The largest municipal courts—those with more than 10 judicial positions—reported the third lowest average number of pending cases (123).
- This was the only group in which all courts reported an average of fewer than 200 pending caseloads per jucidical position.

Figure 2-A

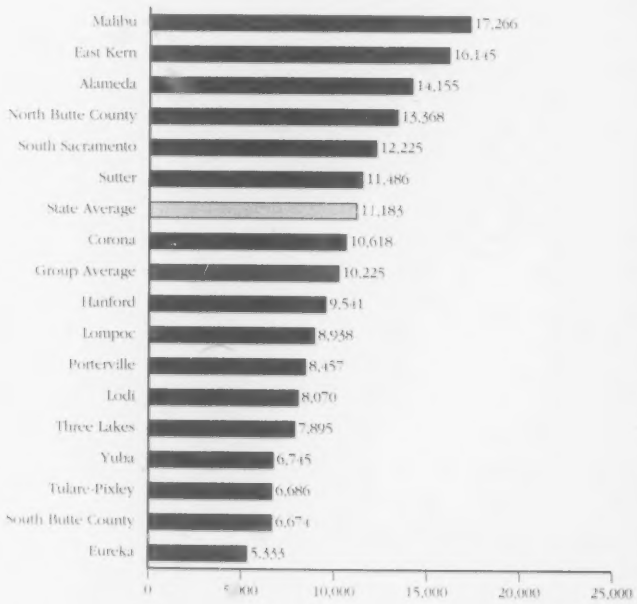
- Of the five groups, municipal courts with one to two judicial positions reported the lowest rate of nonparking dispositions per judicial position equivalent.
- This group's average (10,225) was the only one of the group averages to fall below the statewide average (11,183).
- Nearly two-thirds (10) of the courts in this group reported disposition averages less than the statewide average. Four of the courts were among the ten courts with the lowest average nonparking dispositions statewide.

FIGURE 1-E-For Municipal Courts with Eleven or More Judicial Positions Total Cases Awaiting Trial per Authorized Judicial Position At the End of Fiscal Year 1989–90



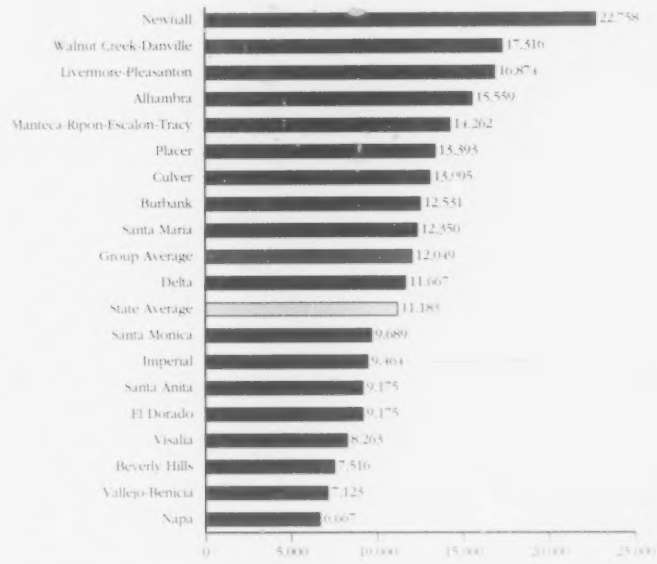
SOURCE: TABLE 1–A

FIGURE 2-A-For Municipal Courts with One to Two Judicial Positions Nonparking Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



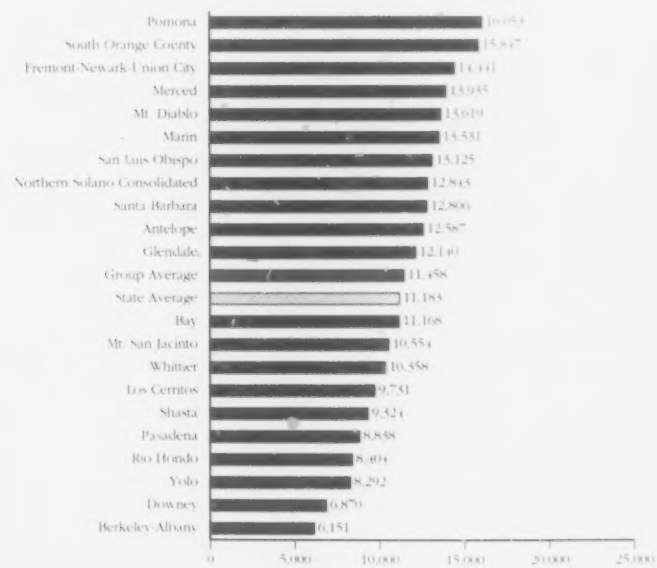
SOURCE: TABLE 1–B

FIGURE 2-B-For Municipal Courts with Three to Four Judicial Positions Nonparking Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



SOURCE: TABLE 1-B

FIGURE 2-C-For Municipal Courts with Five to Six Judicial Positions Nonparking Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



SOURCE: TABLE 1-B

Figure 2-B

- Municipal courts with three to four judicial positions reported the highest disposition average (12,049) among the five groups.
- The Newhall Municipal Court, with 22,758 nonparking dispositions per judicial position equivalent, had the highest average statewide. This average greatly exceeds that for Walnut Creek-Danville (17,316), which had the second highest average in the state.

Figure 2-C

- Among courts with five to six judicial positions, only slightly more than half reported averages greater than the statewide average of 11,183 nonparking dispositions per judicial position equivalent. As a result, the group's disposition average (11,458) was not much greater than the statewide average.

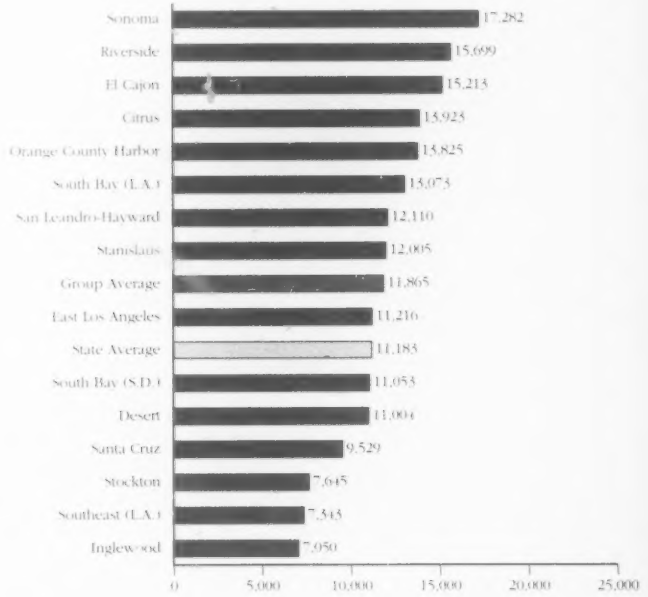
Figure 2-D

- Among the five group averages, municipal courts with seven to ten judicial positions had the second highest average number of nonparking dispositions per judicial position equivalent (11,865).
- Of the 15 courts in this group, 11 disposed of an average of more than 10,000 nonparking cases per judicial position equivalent.
- The Sonoma Municipal Court, with 17,282 nonparking dispositions per judicial position equivalent, had the third largest disposition average statewide.

Figure 2-E

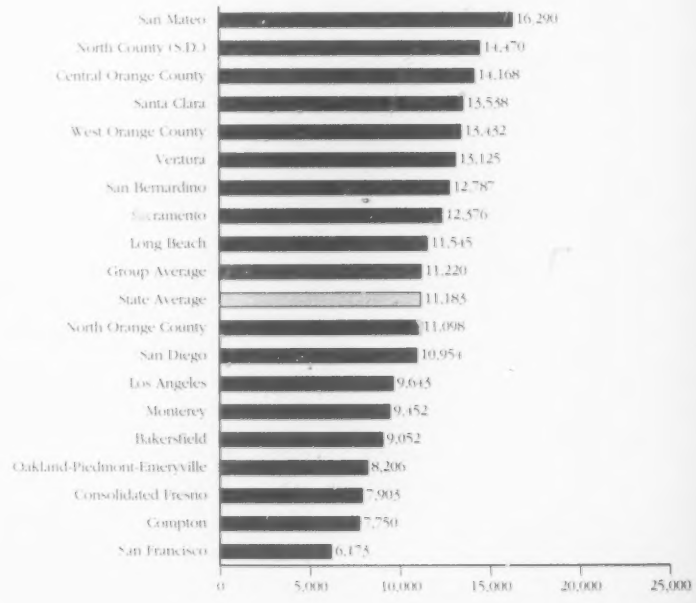
- The disposition averages for municipal courts with 11 or more judicial positions were fairly representative of the statewide average. Half of the group's disposition averages were less than the state's average and half were greater. The group average (11,220) was nearly equal to the state average (11,183).
- Of the five groups, the municipal courts, the largest courts among all groups, had the second lowest average number of nonparking dispositions per judicial position equivalent.

FIGURE 2-D-For Municipal Courts with Seven to Ten Judicial Positions Nonparking Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



SOURCE: TABLE 1–B

FIGURE 2-E-For Municipal Courts with Eleven or More Judicial Positions Nonparking Dispositions per Judicial Position Equivalent Fiscal Year 1989–90



SOURCE: TABLE 1–B

Municipal Court Nonparking Filings and Cases Awaiting Trial per Judicial Position Fiscal Year 1989–90

County/Court	Judicial positions as of 6/30/90 (A)	Filings: Total (B)	Filings: Per judicial position	Filings: Rank	Cases awaiting trial: Total as of 6/30/90 (C)	Cases awaiting trial: Per judicial position	Cases awaiting trial: Rank
Statewide	**748**	**9,732,178**	**13,074**[a]	–	**97,952**	**131**	–
Alameda County							
Alameda	2	29,701	14,851	33	54	27	86
Berkeley-Albany	5	30,087	6,017	88	359	72	70
Fremont-Newark-Union City	6	103,166	17,194	14	1,152	192	14
Livermore-Pleasanton	3	65,464	21,155	7	484	161	21
Oakland-Piedmont-Emeryville	17	164,511	9,677	78	2,019	119	37
San Leandro-Hayward	9	114,463	12,718	48	1,663	185	16
Butte County							
North Butte County	2	30,265	15,133	29	485	243	8
South Butte County	2	14,713[f]	7,357	85	31	16	88
Contra Costa County							
Bay	6	76,984	12,831	46	647	108	48
Delta	3	50,646	16,882	15	549	183	17
Mt. Diablo	5	72,356	14,471	35	1,225	245	6
Walnut Creek-Danville	4	74,027	18,507	9	1,018	255	4
El Dorado County							
El Dorado	3	49,134	16,378	18	327	109	46
Fresno County							
Consolidated Fresno	12	117,845	9,820	76	1,870	156	23
Humboldt County							
Eureka	2	12,444	6,222	87	191	96	57
Imperial County							
Imperial	4	61,308	15,327	27	179	45	80
Kern County							
Bakersfield[b]	11	123,105	11,191	64	430	39	82
East Kern	2	47,861	23,931	2	133	67	72
North Kern[c]	2	11,133	5,567	–	24	12	89
South Kern[d]	2	25,409	12,705	–	506	253	5
Kings County							
Hanford	1	16,398	16,398	17	106	106	51
Los Angeles County							
Alhambra	4	65,449	16,362	19	840	210	12
Antelope	5	62,981	12,596	50	500	100	55
Beverly Hills	4	44,353	11,088	67	449	112	44
Burbank	3	36,511	12,170	55	352	117	40
Citrus	9	144,479	16,053	21	729	81	64
Compton	13	148,288	11,407	62	1,384	106	50
Culver	3	44,040	14,680	34	304	101	53
Downey	6	60,581	10,097	73	1,305	218	10
East Los Angeles	7	87,594	12,513	51	318	45	79

Municipal and Justice Courts Table 1–A (Continued)

Municipal Court Nonparking Filings and Cases Awaiting Trial per Judicial Position Fiscal Year 1989–90

County/Court	Judicial positions as of 6/30/90 (A)	Filings: Total (B)	Filings: Per judicial position	Filings: Rank	Cases awaiting trial: Total as of 6/30/90 (C)	Cases awaiting trial: Per judicial position	Cases awaiting trial: Rank
Statewide	**748**	**9,732,178**	**13,074**[a]	**–**	**97,952**	**131**	**–**
Los Angeles County (continued)							
Glendale	5	63,404	12,681	49	760	152	25
Inglewood	8	70,137	8,767	81	754	94	59
Long Beach	13	158,914	12,224	54	1,978	152	24
Los Angeles	111	1,358,578	12,239	53	12,411	112	45
Los Cerritos	5	59,593	11,919	60	404	81	65
Malibu	2	46,141	23,071	1	271	136	32
Newhall	3	78,892	26,297	1	283	94	58
Pasadena	6	85,475	14,246	39	874	146	27
Pomona	5	88,905	17,781	11	1,517	303	2
Rio Hondo	6	69,889	11,648	61	495	83	63
Santa Anita	3	36,987	12,329	52	416	139	30
Santa Monica	4	43,475	10,869	68	976	244	7
South Bay	10	139,373	13,937	42	745	75	68
Southeast	9	65,261	7,251	86	1,241	138	31
Whittier	6	67,002	11,167	65	1,333	222	9
Marin County							
Marin	6	84,182	14,030	41	1,004	167	20
Mendocino County							
Mount San Hedrin[c]	2	8,645	4,323	–	160	80	66
Merced County							
Merced	5	78,981	15,796	24	544	109	47
Monterey County							
Monterey	11	122,416	11,129	66	529	48	77
Napa County							
Napa	3	30,417	10,139	72	106	35	83
Nevada County							
Nevada[f]	3	25,622	8,541	–	1	–	–
Orange County							
Central Orange County	15	181,682	12,112	56	1,779	119	39
North Orange County	14	208,419	14,887	31	1,666	119	36
Orange County Harbor	10	142,837	14,284	38	656	66	73
South Orange County	5	117,807	23,561	3	1,301	260	3
West Orange County	12	180,181	15,015	30	1,107	92	60
Placer County							
Placer	4	63,277	15,819	22	697	174	19

Municipal and Justice Courts Table 1–A (Continued)

Municipal Court Nonparking Filings and Cases Awaiting Trial per Judicial Position Fiscal Year 1989–90

County/Court	*Judicial positions as of 6/30/90* (A)	*Filings*			*Cases awaiting trial*		
		Total (B)	*Per judicial position*	*Rank*	*Total as of 6/30/90* (C)	*Per judicial position*	*Rank*
Statewide	**748**	**9,732,178**	**13,074**[a]	–	**97,952**	**131**	–
Riverside County							
Corona	2	43,522	21,761	6	318	159	42
Desert	8	122,397	15,300	28	595	74	69
Mt. San Jacinto	5	77,089	15,418	25	136	27	85
Riverside	9	142,266	15,807	23	3,004	334	1
Three Lakes	2	40,742	20,371	8	184	92	61
Sacramento County							
Sacramento	20	266,061	13,303	44	2,792	140	29
South Sacramento	1	14,315	14,315	37	41	41	81
San Bernardino County							
San Bernardino	28	429,452	15,338	26	3,324	119	38
San Diego County							
El Cajon	10	138,615	13,862	43	2,121	212	11
North County	12	198,462	16,539	16	2,366	197	13
San Diego	32	382,265	11,946	59	4,601	144	28
South Bay	7	104,197	14,885	32	948	135	33
San Francisco County							
San Francisco	23	174,376	7,582	84	8,414	366	g
San Joaquin County							
Lodi	2	25,746	12,873	45	41	21	87
Manteca-Ripon-Escalon-Tracy	4	41,955	10,489	69	459	115	41
Stockton	8	71,722	8,965	80	382	48	78
San Luis Obispo County							
San Luis Obispo	5	86,231	17,246	13	566	113	43
San Mateo County							
San Mateo	12	214,385	17,865	10	2,229	186	15
Santa Barbara County							
Lompoc	1	9,928	9,928	74	11	11	90
Santa Barbara	6	58,293	9,716	77	410	68	71
Santa Maria	3	48,738	16,246	20	153	51	76
Santa Clara County							
Santa Clara	40	510,128	12,753	47	4,989	125	35
Santa Cruz County							
Santa Cruz	7	72,033	10,290	70	218	31	84
Shasta County							
Shasta	5	50,719	10,144	71	745	149	26
Solano County							
Northern Solano Consolidated	5	111,041	22,208	5	639	128	34
Vallejo-Benicia	3	42,187	14,062	40	303	101	54

Municipal and Justice Courts Table 1–A (Continued)

Municipal Court Nonparking Filings and Cases Awaiting Trial per Judicial Position Fiscal Year 1989–90

County/Court	*Judicial positions as of 6/30/90* (A)	*Filings*			*Cases awaiting trial*		
		Total (B)	*Per judicial position*	*Rank*	*Total as of 6/30/90* (C)	*Per judicial position*	*Rank*
Statewide	**748**	**9,732,178**	**13,074**[a]	–	**97,952**	**131**	–
Sonoma County							
Sonoma	8	115,669	14,459	36	701	88	62
Stanislaus County							
Stanislaus	9	107,581	11,953	58	719	80	67
Sutter County							
Sutter	2	19,697	9,849	75	214	107	49
Tulare County							
Porterville	2	18,702	9,351	79	194	97	56
Tulare-Pixley	2	16,346	8,173	82	111	56	74
Visalia	5	33,786	11,262	63	154	51	75
Ventura Cour y							
Ventura	12	207,691	17,308	12	1,363	114	42
Yolo County							
Yolo	5	60,354	12,071	57	518	104	52
Yuba County							
Yuba	2	15,699	7,850	83	349	175	18

(A) Judicial positions include full-time court commissioners and referees in addition to the number of judges authorized for the court.
(C) Includes criminal (parking and nonparking) and civil cases set for trial, and civil cases in which a memorandum to set has been filed but no trial date has been assigned. Excludes small claims cases.
a Statewide filings per judicial position figure excludes courts that were consolidated during fiscal year 1989–90.
b On January 1, 1990, West Kern Municipal Court became the Bakersfield Municipal Court.
c On January 1, 1990, Shafter-Wasco Justice Court combined with Delano-McFarland Justice Court to form the North Kern Municipal Court District.
d On January 1, 1990, Arvin-Lamont Justice Court combined with Maricopa-Taft Justice Court to form the South Kern Municipal Court District.
e On January 1, 1990, Ukiah–Little Lake Justice Court became the Mount San Hedrin Municipal Court District.
f On January 1, 1990, Grass Valley Justice Court combined with Nevada City Justice Court and Truckee Justice Court to form the Nevada County Municipal Court District.
g Due to errors in reporting cases awaiting trial, San Francisco Municipal Court is excluded from the ranking.
i Incomplete.

Municipal and Justice Courts Table 1–B

Municipal Court Nonparking Dispositions, Contested Trials, and Jury Trials per Judicial Position Equivalent Fiscal Year 1989–90

County/Court	Judicial position equivalents FY 1989–90 (A)	Dispositions			Contested trials			Jury trials		
		Total (B)	Per judicial position equivalent	Rank	Total (C)	Per judicial position equivalent	Rank	Total (D)	Per judicial position equivalent	Rank
Statewide[a]	**774.0**	**8,587,622**	**11,183**	–	**308,651**	**402**	–	**7,039**	**9**	–
Alameda County										
Alameda	2.2	30,434	14,155	17	843	392	53	0	0	88
Berkeley-Albany	5.1	31,064	6,151	87	1,261	250	83	22	4	76
Fremont-Newark-Union City	6.2	89,681	14,441	14	5,313	533	13	25	4	79
Livermore-Pleasanton	3.4	57,371	16,874	5	1,848	544	11	43	13	23
Oakland-Piedmont-Emeryville	16.8	137,949	8,206	71	6,267	373	55	86	5	74
San Leandro-Hayward	9.0	108,504	12,110	40	4,200	469	34	53	6	64
Butte County										
North Butte County	2.2	29,277	13,368	26	1,139	520	18	12	5	71
South Butte County	2.1	13,881[i]	6,674	84	284[i]	137	88	12[i]	6	66
Contra Costa County										
Bay	6.4	70,916	11,168	46	4,531	714	2	67	11	31
Delta	3.8	43,750	11,667	42	2,498	666	5	33	9	43
Mt. Diablo	5.1	69,048	13,619	21	3,526	695	4	73	14	15
Walnut Creek-Danville	4.2	72,900	17,316	2	4,560	1,083	1	78	19	7
El Dorado County										
El Dorado	4.8	44,132	9,175	63	2,047	426	42	18	4	81
Fresno County										
Consolidated Fresno	13.0	102,657	7,903	73	4,194	323	66	81	6	61
Humboldt County										
Eureka	2.1	11,360	5,333	88	586	275	78	12	6	67
Imperial County										
Imperial	4.8	45,334	9,464	59	930	194	87	13	3	84
Kern County										
Bakersfield[b]	10.9	98,753	9,052	64	2,998	275	9	75	7	55
East Kern	2.4	38,263	16,145	7	1,187	501	23	13	5	69
North Kern[c]	2.8	10,718	3,883	–	374	136	–	2	1	–
South Kern[d]	2.9	22,215	7,767	–	650	227	–	17	6	–
Kings County										
Hanford	1.8	16,792	9,541	57	742	422	44	16	9	42
Los Angeles County										
Alhambra	4.0	61,924	15,559	11	2,422	609	6	23	6	65
Antelope	4.4	55,887	12,587	34	1,826	411	46	65	15	13
Beverly Hills	5.8	43,369	7,516	77	1,462	253	81	30	5	73
Burbank	3.0	37,467	12,531	35	1,007	337	62	8	3	86
Citrus	9.4	130,737	13,923	19	5,142	548	10	155	17	9
Compton	14.1	109,276	7,750	75	3,128	222	86	103	7	51
Culver	3.2	41,248	13,095	29	1,584	503	22	64	20	2
Downey	7.5	51,526	6,870	81	2,481	331	65	61	8	45
East Los Angeles	6.7	74,920	11,216	45	1,898	284	75	67	10	38

Municipal Court Nonparking Dispositions, Contested Trials, and Jury Trials per Judicial Position Equivalent Fiscal Year 1989–90

County/Court	Judicial position equivalents FY 1989–90 (A)	Dispositions			Contested trials			Jury trials		
		Total (B)	Per judicial position equivalent	Rank	Total (C)	Per judicial position equivalent	Rank	Total (D)	Per judicial position equivalent	Rank
Statewide[a]	**774.0**	**8,587,622**	**11,183**	–	**308,651**	**402**	–	**7,039**	**9**	–
Los Angeles (continued)										
Glendale	5.1	62,155	12,140	39	2,676	523	16	72	14	16
Inglewood	8.7	60,983	7,050	80	2,594	300	73	32	4	82
Long Beach	12.7	146,394	11,545	43	3,976	314	67	71	6	68
Los Angeles	119.1	1,147,944	9,643	56	35,461	298	74	784	7	58
Los Cerritos	5.7	55,080	9,731	54	1,840	325	65	79	14	17
Malibu	2.6	44,891	17,266	4	1,034	398	51	7	3	85
Newhall	3.2	72,[illegible]97	22,758	1	1,479	464	36	38	12	29
Pasadena	8.2	72,[illegible]72	8,838	66	3,442	420	45	60	7	50
Pomona	5.8	92,947	16,053	8	3,338	577	8	67	12	30
Rio Hondo	6.6	55,298	8,404	68	1,479	225	85	65	10	39
Santa Anita	3.8	34,499	9,175	62	1,16[illegible]	310	69	23	6	62
Santa Monica	4.8	46,506	9,689	55	1,710	356	58	46	10	40
South Bay	9.9	128,766	13,073	30	4,765	484	28	85	9	44
Southeast	8.7	64,175	7,343	78	2,690	308	70	65	7	49
Whittier	5.8	59,870	10,358	53	[illegible],064	530	15	92	16	10
Marin County										
Marin	6.1	82,809	13,531	23	3,036	496	25	64	10	33
Mendocino County										
Mount San Hedrin[e]	2.6	8,717	3,353	–	455	175	–	20	8	
Merced County										
Merced	4.9	68,142	13,935	18	2,629	538	12	21	4	77
Monterey County										
Monterey	10.8	102,269	9,452	60	4,609	426	41	144	13	21
Napa County										
Napa	4.0	26,333	6,667	85	1,118	283	76	49	12	26
Nevada County										
Nevada[f]	3.1	17,900	5,737	–	542	174	–	14	4	–
Orange County										
Central Orange County	12.2	173,136	14,168	16	5,022	411	47	149	12	28
North Orange County	16.4	181,676	11,098	47	6,512	398	50	105	6	59
Orange County Harbor	10.2	141,564	13,825	20	4,490	438	40	80	8	47
South Orange County	7.2	114,258	15,847	9	3,483	483	29	52	7	52
West Orange County	12.3	165,208	13,432	24	6,096	496	26	129	10	32
Placer County										
Placer	4.2	55,982	13,393	25	2,960	708	3	51	12	27

Municipal and Justice Courts Table 1–B (Continued)

Municipal Court Nonparking Dispositions, Contested Trials, and Jury Trials per Judicial Position Equivalent Fiscal Year 1989–90

		Dispositions			Contested trials			Jury trials		
County/Court	*Judicial position equivalents FY 1989–90* (A)	*Total* (B)	*Per judicial position equivalent*	*Rank*	*Total* (C)	*Per judicial position equivalent*	*Rank*	*Total* (D)	*Per judicial position equivalent*	*Rank*
Statewide[a]	**774.0**	**8,587,622**	**11,183**	–	**308,651**	**402**	–	**7,039**	**9**	–
Riverside County										
Corona	2.9	30,792	10,618	51	1,489	513	20	23	8	46
Desert	7.9	87,152	11,004	49	3,629	458	37	47	6	63
Mt. San Jacinto	5.6	59,316	10,554	52	1,513	269	80	76	14	19
Riverside	.1	127,004	15,699	10	3,786	468	35	56	7	54
Three Lakes	3.6	28,027	7,895	74	1,499	422	43	27	8	48
Sacramento County										
Sacramento	19.4	239,843	12,376	36	7,801	403	48	104	5	72
South Sacramento	1.1	12,959	12,225	38	394	372	56	5	5	75
San Bernardino County										
San Bernardino	30.0	383,866	12,787	33	15,016	500	24	381	13	22
San Diego County										
El Cajon	8.5	128,552	15,213	12	3,387	401	49	123	15	14
North County	13.2	190,568	14,470	13	6,755	513	21	275	21	1
San Diego	28.7	314,369	10,954	50	13,771	480	30	360	13	25
South Bay	8.2	90,305	11,053	48	4,927	603	7	146	18	8
San Francisco County										
San Francisco	20.8	128,405	6,173	86	7,600	365	57	194	9	41
San Joaquin County										
Lodi	2.2	17,592	8,070	72	680	312	68	5	2	87
Manteca-Ripon-Escalon-Tracy	2.5	36,226	14,262	15	1,355	533	14	32	13	24
Stockton	8.2	62,383	7,645	76	2,510	308	71	51	6	60
San Luis Obispo County										
San Luis Obispo	5.9	77,043	13,125	28	2,323	396	52	61	10	34
San Mateo County										
San Mateo	12.8	208,674	16,290	6	6,630	518	19	131	10	35
Santa Barbara County										
Lompoc	1.0	9,027	8,938	65	332	329	64	7	7	53
Santa Barbara	4.6	59,034	12,806	32	2,563	556	9	31	7	56
Santa Maria	3.0	36,804	12,350	37	1,346	452	39	47	16	11
Santa Clara County										
Santa Clara	36.8	498,065	13,538	22	12,589	342	61	246	7	57
Santa Cruz County										
Santa Cruz	7.3	69,178	9,529	58	3,426	472	33	98	13	20
Shasta County										
Shasta	4.5	42,330	9,324	61	2,159	476	32	14	3	83
Solano County										
Northern Solano Consolidated	6.0	77,317	12,843	31	2,105	350	60	33	5	70
Vallejo-Benicia	5.2	22,509	7,123	79	1,447	458	38	32	10	36

Municipal Court Nonparking Dispositions, Contested Trials, and Jury Trials per Judicial Position Equivalent Fiscal Year 1989–90

		Dispositions			*Contested trials*			*Jury trials*		
County/Court	*Judicial position equivalents FY 1989–90* (A)	*Total* (B)	*Per judicial position equivalent*	*Rank*	*Total* (C)	*Per judicial position equivalent*	*Rank*	*Total* (D)	*Per judicial position equivalent*	*Rank*
Statewide[a]	**774.0**	**8,587,622**	**11,183**	–	**308,651**	**402**	–	**7,039**	**9**	–
Sonoma County										
Sonoma	6.0	103,689	17,282	3	2,938	490	27	112	19	6
Stanislaus County										
Stanislaus	8.6	103,006	12,005	41	4,112	479	31	168	20	
Sutter County										
Sutter	1.6	18,608	11,486	44	846	522	17	25	15	12
Tulare County										
Porterville	1.9	15,984	8,457	67	464	246	84	19	10	37
Tulare-Pixley	1.9	12,970	6,686	83	490	253	82	37	19	4
Visalia	3.3	27,597	8,263	70	1,296	388	54	63	19	5
Ventura County										
Ventura	13.6	177,981	13,125	27	4,752	350	59	189	14	18
Yolo County										
Yolo	5.2	43,034	8,292	69	1,569	302	72	22	4	78
Yuba County										
Yuba	2.0	13,489	6,745	82	558	279	77	8	4	80

(A) Reflects authorized judicial positions adjusted for assistance rendered by the court and also assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

a Statewide per judicial position equivalent figures exclude courts that were consolidated during fiscal year 1989–90.

b On January 1, 1990, West Kern Municipal Court became the Bakersfield Municipal Court.

c On January 1, 1990, Shafter-Wasco Justice Court combined with Delano-McFarland Justice Court to form the North Kern Municipal Court District.

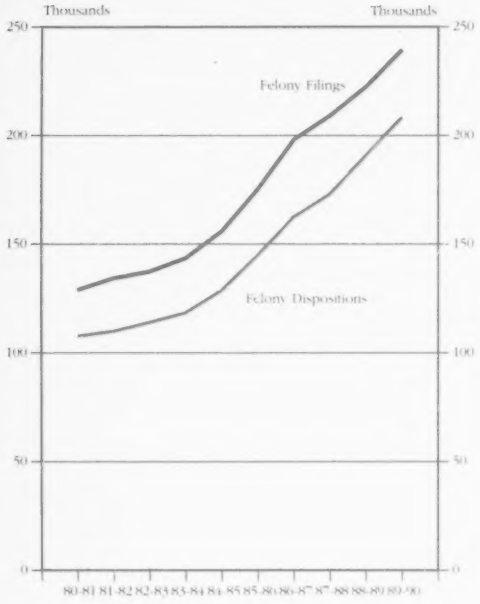
d On January 1, 1990, Arvin-Lamont Justice Court combined with Maricopa-Taft Justice Court to form the South Kern Municipal Court District.

e On January 1, 1990, Ukiah–Little Lake Justice Court became the Mount San Hedrin Municipal Court District.

f On January 1, 1990, Grass Valley Justice Court combined with Nevada City Justice Court and Truckee Justice Court to form the Nevada County Municipal Court District.

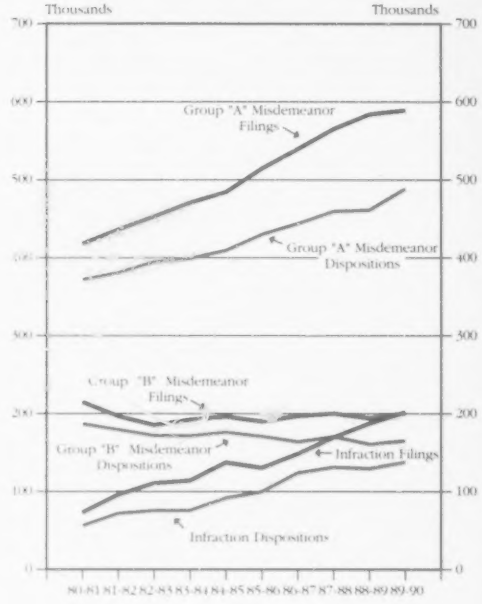
i Incomplete.

FIGURE 3-Felony Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 3

FIGURE 4-Nontraffic Filings and Dispositions
Fiscal Years 1980–81 through 1989–90

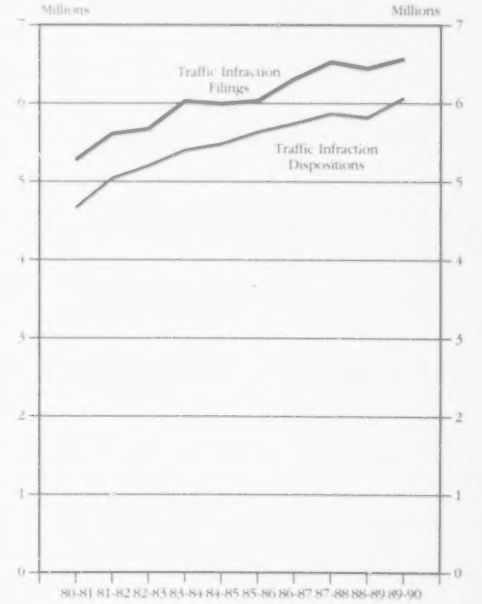


SOURCE: TABLE 3

FIGURE 5-Misdemeanor Traffic
Filings and Dispositions
Fiscal Years 1980–81 through 1989–90

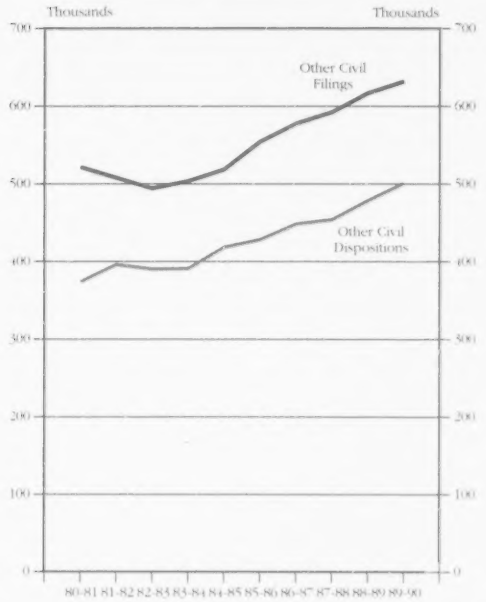
SOURCE: TABLE 3

FIGURE 6-Traffic Infractions
Filings and Dispositions
Fiscal Years 1980–81 through 1989–90



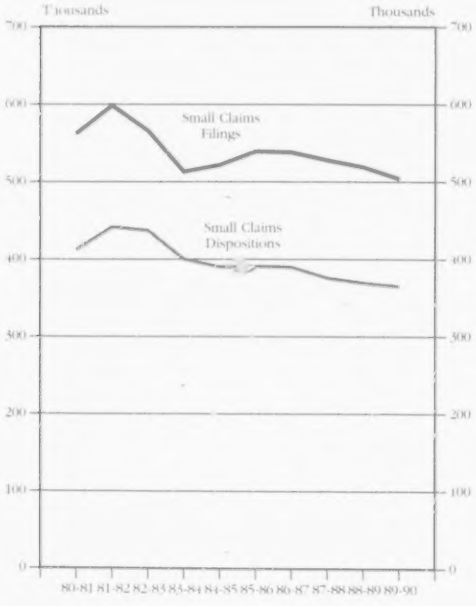
SOURCE: TABLE 3

FIGURE 7-Civil Filings and Dispositions Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 2

FIGURE 8-Small Claims Filings and Dispositions Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 2

Municipal and Justice Courts Table 2

Total Filings and Dispositions Fiscal Years 1980–81 through 1989–90

Fiscal year	*Total* (A)	*Criminal* (B)	*Civil*		
			Total (C)	*Small claims* (D)	*Other* (E)
Filings					
1980–81	17,477,656	16,394,374	1,083,282	561,908	521,374
1981–82	17,480,877	16,374,892	1,105,985	598,165	507,820
1982–83	17,166,536	16,106,602	1,059,934	565,738	494,196
1983–84	17,583,294	16,567,069	1,016,225	512,804	503,421
1984–85	17,990,272	16,949,983	1,040,289	521,766	518,523
1985–86	17,240,055	16,146,629	1,093,426	539,153	554,273
1986–87	16,792,464	15,676,922	1,115,542	538,013	577,529
1987–88	17,144,033[r]	16,024,069[r]	1,119,964	527,708	592,256
1988–89	16,731,456[r]	15,595,759[r]	1,135,697[r]	518,983[r]	616,714[r]
1989–90	**16,408,576**	**15,272,710**	**1,135,866**	**503,993**	**631,873**
Dispositions					
1980–81	14,915,207	14,129,170	786,037	412,258	373,779
1981–82	15,064,589	14,226,897	837,692	441,531	396,161
1982–83	15,876,176	15,048,588	827,588	437,093	390,495
1983–84	15,636,602	14,845,732	790,870	399,969	390,901
1984–85	15,567,811	14,759,454	808,357	390,005	418,352
1985–86	14,833,736	14,014,775	818,961	390,810	428,151
1986–87	14,137,596	13,299,659	837,937	389,649	448,288
1987–88	14,378,214[r]	13,548,786[r]	829,428	375,490	453,938
1988–89	14,231,411[r]	13,383,606[r]	847,805[r]	369,469[r]	478,336[r]
1989–90	**14,324,249**	**13,458,494**	**865,755**	**364,883**	**500,872**
Dispositions per 100 filings					
1980–81	85	86	73	73	72
1981–82	86	87	76	74	78
1982–83	92	93	78	77	79
1983–84	89	90	78	78	78
1984–85	87	87	78	75	81
1985–86	86	87	75	72	77
1986–87	84	85	75	72	78
1987–88	84	85	74	71	77
1988–89	85	86	75	71	78
1989–90	**87**	**88**	**76**	**72**	**79**

(A) (B) + (C)
(B) From Table 3 column (A)
(C) (D) + (E)
r Revised

Municipal and Justice Courts Table 3

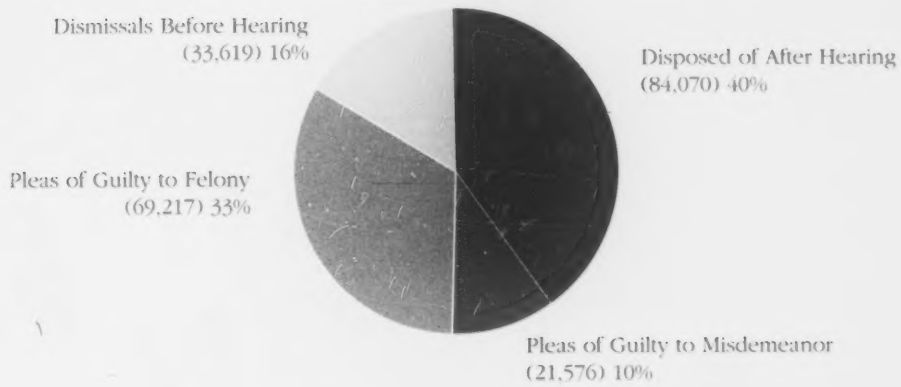
Criminal Filings and Dispositions By Type of Proceeding Fiscal Years 1980–81 through 1989–90

			Nontraffic			*Traffic*			
			Misdemeanors			*Misdemeanors*			
Fiscal year	*Total* (A)	*Felonies* (B)	*Group A* (C)	*Group B* (D)	*Infractions* (E)	*Group C* (F)	*Group D* (G)	*Infractions* (H)	*Illegal parking* (I)
Filings									
1980–81	16,394,374	128,850	417,644	214,648	72,775	334,461	315,849	5,272,515	9,637,632
1981–82	16,374,892	134,277	436,181	196,621	95,826	342,740	416,737	5,606,418	9,146,092
1982–83	16,106,602	137,302	452,719	185,093	110,422	347,405	471,144	5,668,486	8,734,031
1983–84	16,567,069	143,480	470,652	192,180	113,918	344,186	550,462	6,025,383	8,726,808
1984–85	16,949,983	155,875	484,005	196,165	137,276	345,218	664,941	5,991,817	8,974,686
1985–86	16,146,629	175,305	514,201	190,030	130,368	332,469	659,000	6,029,905	8,115,351
1986–87	15,676,922	198,182	539,338	196,983	148,272	337,093	732,245	6,309,738	7,215,071
1987–88	16,024,069[r]	209,121	565,022	200,127	169,427	322,993	798,671	6,526,311	7,232,397[r]
1988–89	15,595,759[r]	222,459[r]	583,939[r]	194,152[r]	187,352[r]	312,703[r]	854,733[r]	6,445,047[r]	6,795,374[r]
1989–90	**15,272,710**	**239,365**	**588,992**	**200,277**	**201,726**	**339,115**	**961,556**	**6,566,495**	**6,175,184**
Dispositions									
1980–81	14,129,170	107,640	371,907	186,672	55,887	261,244	296,499	4,660,124	8,189,197
1981–82	14,226,897	109,959	380,819	179,471	72,019	269,601	328,683	5,038,116	7,848,229
1982–83	15,048,588	113,943	394,579	171,733	75,413	281,989	385,124	5,196,621	8,429,186
1983–84	14,845,732	118,411	399,063	171,584	75,824	280,160	458,695	5,397,749	7,944,246
1984–85	14,759,454	128,689	409,174	176,084	91,881	288,733	487,530	5,477,941	7,699,422
1985–86	14,014,775	144,881	429,917	170,888	99,660	283,513	516,567	5,631,086	6,738,263
1986–87	13,299,659	162,533	443,776	163,944	124,026	283,094	579,474	5,740,069	5,802,743
1987–88	13,548,786[r]	173,042[r]	459,428	170,286	131,312	281,155	637,733	5,866,084	5,829,746
1988–89	13,383,606[r]	191,069[r]	461,307[r]	160,873[r]	129,464[r]	267,512[r]	689,512[r]	5,816,611[r]	5,667,258[r]
1989–90	**13,458,494**	**208,482**	**488,398**	**165,066**	**137,679**	**278,031**	**792,929**	**6,068,214**	**5,319,695**
Dispositions per 100 filings									
1980–81	86	84	89	87	77	78	94	88	85
1981–82	87	82	87	91	75	79	79	90	86
1982–83	93	83	87	93	68	81	82	92	97
1983–84	90	83	85	89	67	81	83	90	91
1984–85	87	83	85	90	67	84	73	91	86
1985–86	87	83	84	90	76	85	78	93	83
1986–87	85	82	82	83	84	84	79	91	80
1987–88	85	83	81	85	78	87	80	90	81
1988–89	86	86	79	83	69	86	81	90	83
1989–90	**88**	**87**	**83**	**82**	**68**	**82**	**82**	**92**	**86**

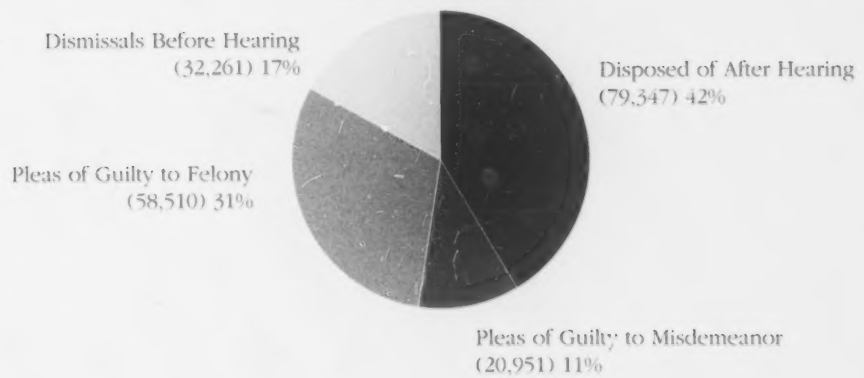
(A) Sum of columns (B) through (I).
r Revised.

FIGURE 9-Felony Dispositions Fiscal Years 1989–90, 1988–89, and 1980–81

Fiscal Year 1989–90



Fiscal Year 1988–89



Fiscal Year 1980–81

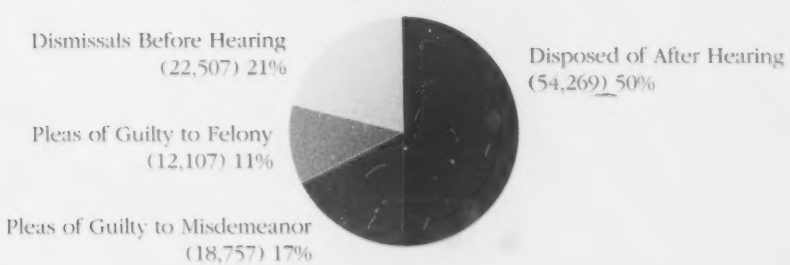
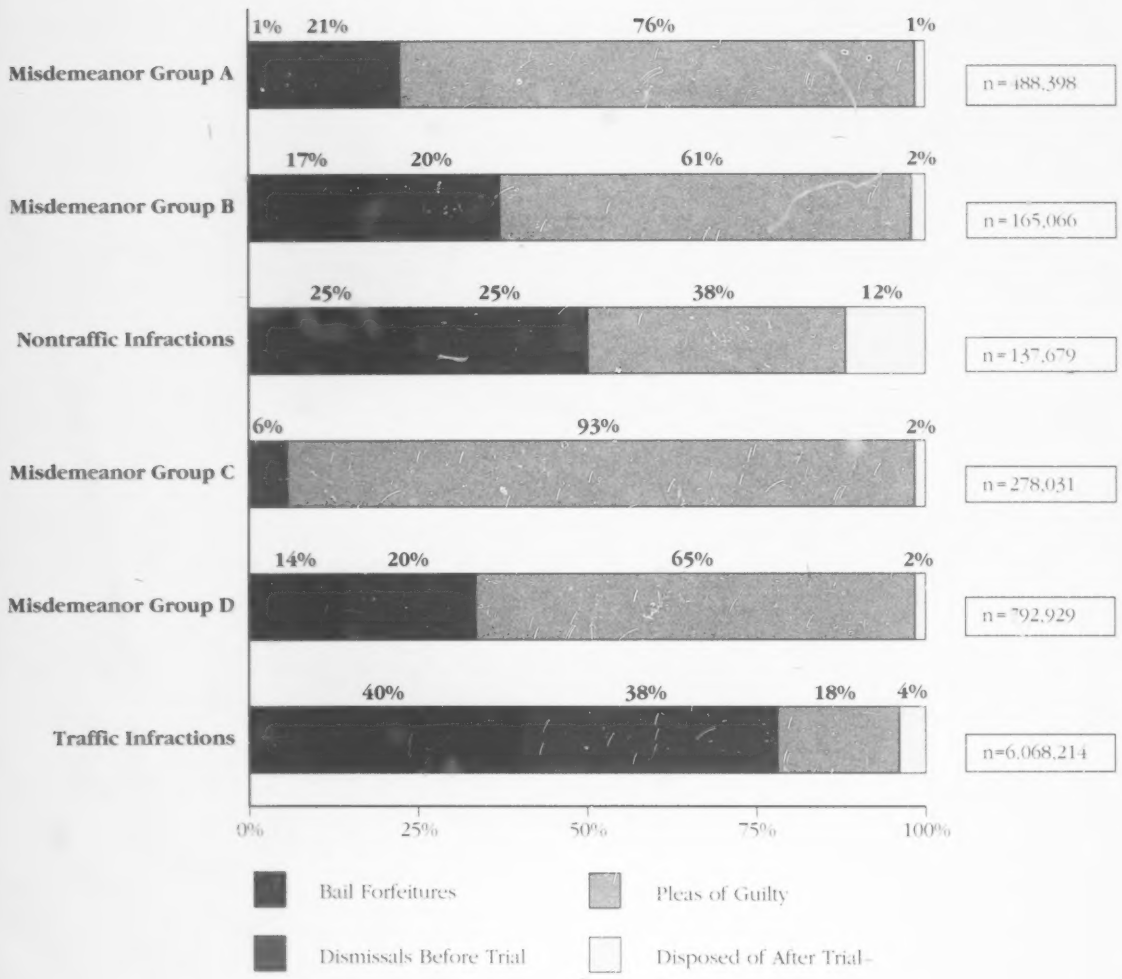


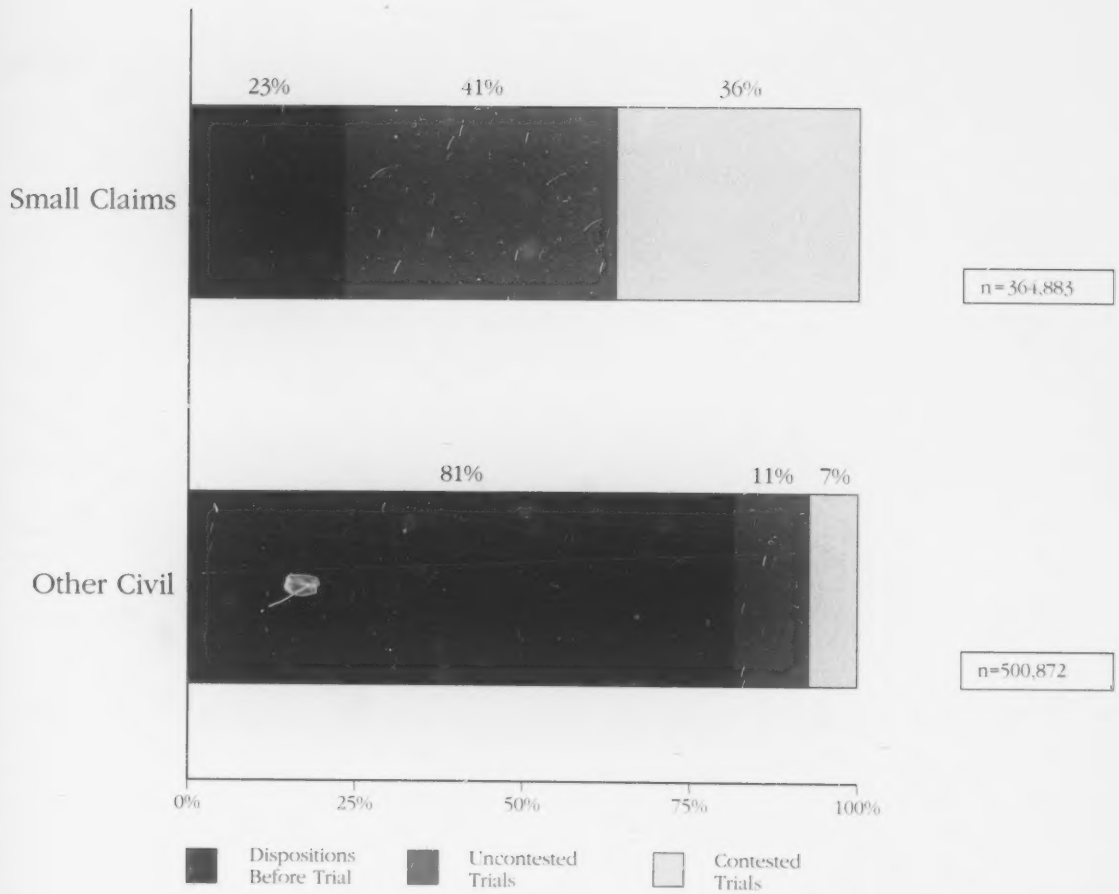
FIGURE 10-Criminal Dispositions Fiscal Year 1989–90*



SOURCE: TABLE 4

* Percentages may not add to 100% due to rounding.
Cases transferred to another court are included in dismissals before trial.

FIGURE 11-Civil Dispositions Fiscal Year 1989–90*



* Percentages may not add to 100% due to rounding.

SOURCE: TABLE 4

Municipal and Justice Courts Table 4

Dispositions Fiscal Years 1989–90, 1988–89, and 1980–81

Type of proceeding	*Fiscal year*	*Total* (A)	*Before trial*			*After trial*	
			Bail forfeitures (B)	*Pleas of guilty* (C)	*Other* (D)	*Uncontested* (E)	*Contested* (F)
Total nonparking	1989–90	9,004,554	2,608,840	2,486,023	3,172,253	413,289	324,149
	1988–89	8,564,153[r]	2,657,925[r]	2,306,946[r]	2,866,605[r]	419,543[r]	313,134[r]
	1980–81	6,726,010	2,905,751	1,488,112	1,690,981	392,222	248,944
Total criminal (Excludes parking)	1989–90	8,138,799	2,608,840	2,486,023	2,681,363	207,483	155,090
	1988–89	7,716,348	2,657,925	2,306,946	2,405,463	203,099	144,915
	1980–81	5,939,973	2,905,751	1,488,112	1,315,845	132,652	97,613
Felony preliminaries	1989–90	208,482	–	90,793	33,619	72,686	11,384
	1988–89	191,069	–	79,461[r]	32,261[r]	67,189[r]	12,158[r]
	1980–81	107,640	–	30,864	22,507	46,524	7,745
Misdemeanor group A	1989–90	488,398	6,871	371,879	102,476	1,893	5,279
	1988–89	461,307	8,511	348,629[r]	97,916[r]	1,235	5,016[r]
	1980–81	371,907	18,479	258,387	85,360	2,254	7,427
Misdemeanor group B	1989–90	165,066	28,815	100,459	32,445	1,817	1,530
	1988–89	160,873	30,682	95,413[r]	31,639[r]	1,543[r]	1,596
	1980–81	186,672	44,208	109,949	29,771	915	1,829
Nontraffic infractions	1989–90	137,679	33,887	52,521	35,094	13,648	2,529
	1988–89	129,464	38,640	44,110[r]	29,763[r]	14,653[r]	2,298
	1980–81	55,887	25,070	13,756	15,564	770	727
Misdemeanor group C	1989–90	278,031	433	257,953	15,349	863	3,433
	1988–89	267,512	1,262	246,745[r]	15,133	808	3,564[r]
	1980–81	261,244	1,299	240,907	13,586	1,157	4,495
Misdemeanor group D	1989–90	792,929	110,544	515,331	154,759	7,159	5,136
	1988–89	689,512	116,677[r]	426,823[r]	136,093[r]	5,216	4,703[r]
	1980–81	296,499	60,268	169,726	56,360	6,166	3,979
Traffic infractions	1989–90	6,068,214	2,428,290	1,097,087	2,307,621	109,417	125,799
	1988–89	5,816,611	2,462,153[r]	1,065,765[r]	2,060,658[r]	112,455[r]	115,580[r]
	1980–81	4,660,124	2,756,427	664,523	1,092,897	74,866	71,411
Parking	1989–90	5,319,695	3,898,448	319,465	1,075,584	11,598	14,600
	1988–89	5,667,258	3,957,246[r]	296,105[r]	1,393,711[r]	10,489[a]	9,707
	1980–81	8,189,197	6,286,640	98,317	1,613,492	187,503	3,245
Total civil	1989–90	865,755	–	–	490,890	205,806	169,059
	1988–89	847,805	–	–	463,142	216,444	168,219
	1980–81	786,037	–	–	375,136	259,570	151,331
Small claims	1989–90	364,883	–	–	83,824	148,587	132,472
	1988–89	369,469	–	–	78,707[r]	158,123[r]	132,639[r]
	1980–81	412,258	–	–	96,380	186,636	129,242
Other civil	1989–90	500,872	–	–	407,066	57,219	36,587
	1988–89	478,336	–	–	384,435[r]	58,321[r]	35,580[r]
	1980–81	373,779	–	–	278,756	72,934	22,089

(A) Sum of columns (B) through (F).
(C) Excludes bail forfeitures.
(D) Summary and other judgments for civil. Dismissed before trial for civil and criminal.
(E), (F) Includes felony hearings.
a Large differences between 1988–1989 and previous years due to corrections in reporting procedures.
r Revised.

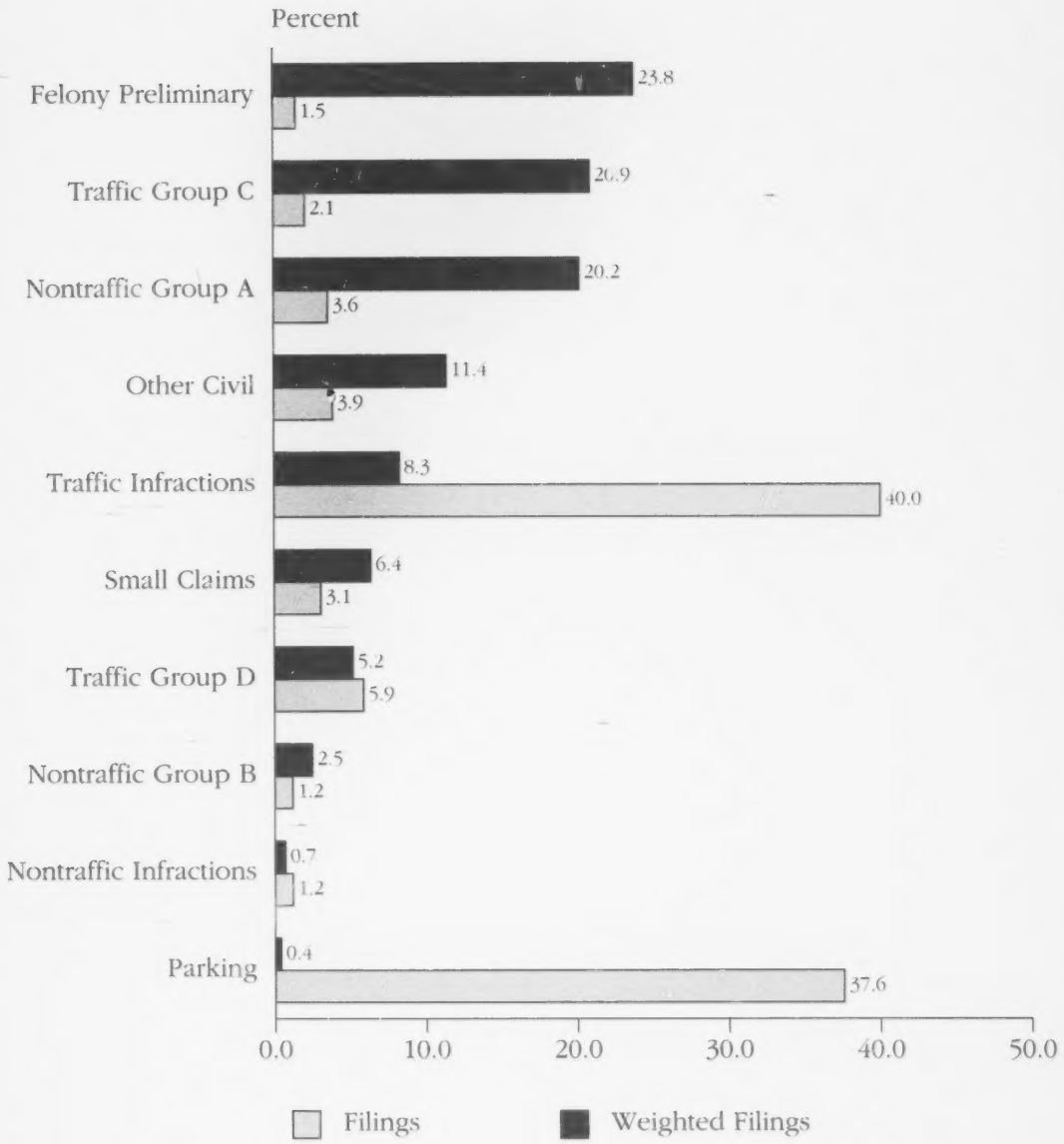
Municipal and Justice Courts Table 5

Criminal Conviction Rates By Type of Proceeding Fiscal Year 1989–90

Type of proceeding	*Before trial*			*After trial*			
	Total dispositions (A)	*Pleas of guilty* (B)	*Conviction rate* (C)	*Total dispositions* (D)	*Convicted or bound over* (E)	*Conviction rate* (F)	*Conviction rate before & after trial* (G)
Total excluding parking	7,776,226	5,094,863	66%	345,851	247,153	71%	66%
Felony preliminary	102,836	69,217	67	83,578	76,138	91	78
Felonies reduced	21,576	21,576	100	524	336	64	99
Nontraffic							
Group A misdemeanors	481,226	378,750	79	7,066	4,088	58	78
Group B misdemeanors	161,719	129,274	80	3,250	1,497	46	79
Nontraffic infractions	121,502	86,408	71	16,097	10,508	65	70
Traffic							
Group C misdemeanors	273,735	258,386	94	4,205	3,180	76	94
Group D misdemeanors	780,634	625,875	80	10,031	6,919	69	80
Traffic infractions	5,832,998	3,525,377	60	221,100	144,487	65	61
Parking	5,293,497	4,217,913	80	26,171	15,971	61	80

(A) Dismissals, transfers, and pleas of guilty.
(B) Includes bail forfeitures.
(C) (B)/(A) × 100.
(D) Defendants acquitted, dismissed, convicted, or bound over. Excludes juvenile orders.
(F) (E)/(D) × 100.
(G) [(B) + (E)/(A) + (D)] × 100.

FIGURE 12-Percent Distribution of Filings and Weighted Filings Fiscal Year 1989–90



SOURCE: TABLE 6

Municipal and Justice Courts Table 6

Filings, Weighted Filings, and Required Judicial Positions By Type of Proceeding Fiscal Year 1989–90

Type of proceeding	*FY 1989–90 filings*		*FY 1989–90 weighted filings*			*FY 1989–90 required judicial positions*	*FY 1988–89 required judicial positions*
	Number (A)	*Percent of total* (B)	*Weight* (C)	*Number* (D)	*Percent of total* (E)	(F)	(G)
All proceedings	16,408,576	100.0%	–	55,266,127	100.0%	873	835[r]
Felony preliminary	239,365	1.5	55	13,165,075	23.8	208	193
Nontraffic							
Group A misdemeanors	588,992	3.6	19	11,190,848	20.2	177	175
Group B misdemeanors	200,277	1.2	7	1,401,939	2.5	22	21
Nontraffic infractions	201,726	1.2	2	403,452	0.7	6	6
Traffic							
Group C misdemeanors	339,115	2.1	34	11,529,910	20.9	182	168
Group D misdemeanors	961,556	5.9	3	2,884,668	5.2	46	41[r]
Traffic infractions	6,566,495	40.0	0.7	4,596,547	8.3	73	71
Parking	6,175,184	37.6	0.04	247,007	0.4	4	4
Civil							
Small claims	503,993	3.1	7	3,527,951	6.4	56	57
Other	631,873	3.9	10	6,318,730	11.4	100	97

(A) From Tables 2 and 5.
(B) Percentages may not add to total due to rounding.
(C) Current weights were approved by the Judicial Council January 1, 1989. These weights reflect the average judicial time spent on case-related activities.
(D) (A) × (C). The total case-related time in minutes required by judges in disposition of the caseload.
(E) Percentages may not add to total due to rounding.
(F) (D)/63,300. Figures represent judicial positions required to dispose of the weighted caseload; 63,300 is the average number of minutes a year a judge spends on case-related activities. Parts may not add to total due to rounding.
(G) Based on fiscal year 1988–89 filings. Parts may not add to total due to rounding.
[r] Revised.

Municipal and Justice Courts Table 7

Number of Courts and Judges Fiscal Years 1980–81 through 1989–90

	Municipal courts				*Justice courts*	
Fiscal year	*Number of courts* (A)	*Authorized judgeships* (B)	*Judicial positions* (C)	*Judicial position equivalents* (D)	*Number of courts* (E)	*Judges* (F)
1980–81	84	487	567	564	94	94
1981–82	84	496	578	586	95	95
1982–83	85	508	601	617	89	89
1983–84	85	518	620	646	84	84
1984–85	85	529	642	659	83	83
1985–86	86	547	669	676	83	83
1986–87	87	554	678	691	79	79
1987–88	88	566	695	709	76	76
1988–89	88	605	737	727[r]	65	66
1989–90	**92**	**614**	**748**	**774**	**57**	**57**

(D) Judicial position equivalents are defined as authorized judgeships adjusted to reflect judge vacancies, assistance rendered to other courts by lower court judges, and assistance received by lower courts from full-time and part-time commissioners and referees, from assigned judges, or from temporary judges serving by stipulation of the parties.

r Revised.

Municipal and Justice Courts Table 8

Municipal Court Civil and Criminal Cases Awaiting Trial As of June 30, 1981 through 1990

As of June 30,	Total cases awaiting trial		Civil cases awaiting trial			Criminal cases awaiting trial		
	Number (A)	Per authorized justice (B)	Total (C)	Jury (D)	Court (E)	Total (F)	Jury (G)	Court (H)
1981	85,413	175	29,967	7,413	22,554	55,446	32,403	23,043
1982	99,190	200	34,136	9,302	24,834	65,054	37,636	27,418
1983	107,506	212	33,926	9,312	24,614	73,580	41,871	31,709
1984	95,839	185	29,780	7,846	21,934	66,059	34,595	31,464
1985	89,850	170	25,488	6,204	19,284	64,362	36,464	27,898
1986	94,234	172	22,313	5,426	16,887	71,921	30,925	40,996
1987	93,254	168	20,884	5,356	15,528	72,370	32,857	39,513
1988	96,043	170	21,941	5,506	16,435	74,102	35,079	39,023
1989	96,818	160	23,526	6,652	16,874	73,292	31,115	42,177
1990	**97,952**	**160**	**22,653**	**7,263**	**15,390**	**75,299**	**30,688**	**44,611**

(A) (C) + (F).
(C) (D) + (E). Includes civil cases set for trial and civil cases in which a memorandum to set has been filed but no trial date assigned. Excludes small claims cases.
(F) (G) + (H).

CHAPTER 5

JUDICIAL ASSIGNMENTS AND ASSISTANCE

During fiscal year 1989–90, requests for judicial assignments to appellate, superior, municipal, and justice courts grew to more than 19,500 days from more than 17,000 days the year before. The total assistance provided for 1989–90 was 16,593 days[1] or the equivalent of 76 judicial positions.[2] These numbers are essentially unchanged from 1988–89, differing by only one judicial position.

Table 1 and figure 1 indicate that retired judges provided more than half of the assistance (42 judicial positions). This represents about $29 million[3] in productive courtroom use that otherwise would have been lost due to empty courtrooms.

Justice court judges provided an estimated 13 judicial positions, and retired judges provided an estimated 39 judicial positions, to municipal and superior courts. Combined, retired and justice court judges provided 59 judicial positions of assistance to all courts, accounting for 77 percent of assistance.

1 Total days reported in the various tables may not agree due to rounding to the nearest day.

2 An estimate of 218 days per judicial position was used to convert days into judicial positions.

3 This dollar amount is based on the 1990–91 estimated average daily cost of trial court operations ($3,200) multiplied by the number of days of assistance from retired judges (9,253 days).

Due to expanding workloads, assistance from appellate courts, superior courts, and municipal courts (one-fifth, nine, and eight positions respectively) decreased slightly from last year's level. This decrease made assistance from retired judges and justice court judges more important in meeting the judicial requirements of state courts.

Because it is difficult to plan or predict the need for judicial assignments, the responsiveness of the assigned judges program has saved California the cost of adding many new judicial positions.

Assistance is documented in monthly reports submitted to the Administrative Office of the Courts by receiving courts. The amount of assistance is reported in quarter-day increments. A full day is counted when an assigned judge works more than six hours. A period of four hours to six hours is counted as three-quarters of a day; two hours through four hours as a half day; and two hours or less as a quarter day. In contrast, "days assigned" are always reported as full days.

Blanket (within county) and reciprocal (between counties) assignments are issued each year by the Chief Justice to permit judges of one court to sit as judges of another court within their county or in a neighboring county. This assignment system enables the respective presiding judges (or the one-judge courts) to arrange the assignments themselves without having to contact the Chief Justice's office for an authorization each time judicial assistance is given or received.

Blanket and reciprocal assignments, therefore, are not included in the category "days assigned," but are included in "days received," which is why the total number of days of assistance received can exceed the total number of days assigned.

Assistance Provided to Particular Courts by Assigned Judges

Courts of Appeal

In 1989–90, 1,978 days of assistance were assigned to the Courts of Appeal and 1,113 days were received. When compared with the previous year, these figures represent an increase of 20 percent in assignments, but a decrease of 28 percent in assistance actually rendered. The assistance came from superior court judges (63 percent), municipal court judges (15 percent), retired judges (20 percent), and Court of Appeal justices (2 percent).

Superior courts

In 1989–90, 8,811 days of assistance were assigned to superior courts and 7,872 days were received. The days assigned increased by 7 percent from the prior fiscal year while assistance received decreased 2 percent. The assistance came from retired judges (65 percent), superior court judges (11 percent), municipal court judges (18 percent), and justice court judges (6 percent).

Municipal courts

In 1989–90, 7,949 days of assistance were assigned to municipal courts and 6,272 days were received, increases of 17 percent and 5 percent, respectively, from the previous fiscal year. The assistance came from justice court judges (38 percent), retired judges (54 percent), municipal court judges (2 percent), and superior court judges (5 percent).

Justice courts

In 1989–90, 818 days of assistance were assigned to justice courts and 1,334 were received. The days assigned increased by 29 percent but days received remained virtually unchanged from the previous year. The assistance came from justice court judges (50 percent), retired judges (38 percent), municipal court judges (7 percent), and superior court judges (4 percent).

How Assignments Are Made

At the request of presiding judges of both trial and appellate courts, the Chief Justice issues temporary judicial assignments for reasons such as vacancies, illnesses, disqualifications, and calendar congestion.

The California Constitution directs the Chief Justice to expedite judicial business, to equalize the work of judges, and to assign judges to assist in courts other than their own.

Assigned judges do not necessarily serve for the full period of their assignments due to changing workloads. The days of assistance actually received by the trial and appellate courts are reflected in table 2 and figure 2.

Days of Assistance Received and Rendered by Courts Through Assignments

Tables 3 and 4 indicate days of assistance received and rendered by the superior courts and the municipal courts, respectively, for fiscal years 1988–89 and 1989–90 on a court-by-court basis. The last column under each fiscal year indicates net days of assistance as a percent of net judge days. A minus sign indicates that the court gave more days of assistance than it received.

Assistance From Commissioners, Referees, and Temporary Judges

In addition to being assigned judges by the Chief Justice, some superior and municipal courts received assistance from commissioners, referees, and attorneys acting as temporary judges. In 1989–90, such assistance amounted to the equivalent of 373 full-time judges, as calculated from tables 5 and 6.

Superior courts

In 1989–90, superior courts received 36,896 days of assistance from commissioners, referees, and attorneys acting as temporary judges. Commissioners provided 61 percent of the assistance; referees, 23 percent; and attorneys, 16 percent.

Table 5 lists for each court the days of assistance from commissioners, referees, and attorneys acting as temporary judges. Seven courts received more than 1,000 days of assistance, which accounted for 82 percent of all superior court assistance.

In almost all cases, commissioners perform functions that otherwise would require a judge. In some courts they hear matters by stipulation and sign orders as temporary judges, while in others they do not sign orders but prepare them for a judge's signature.

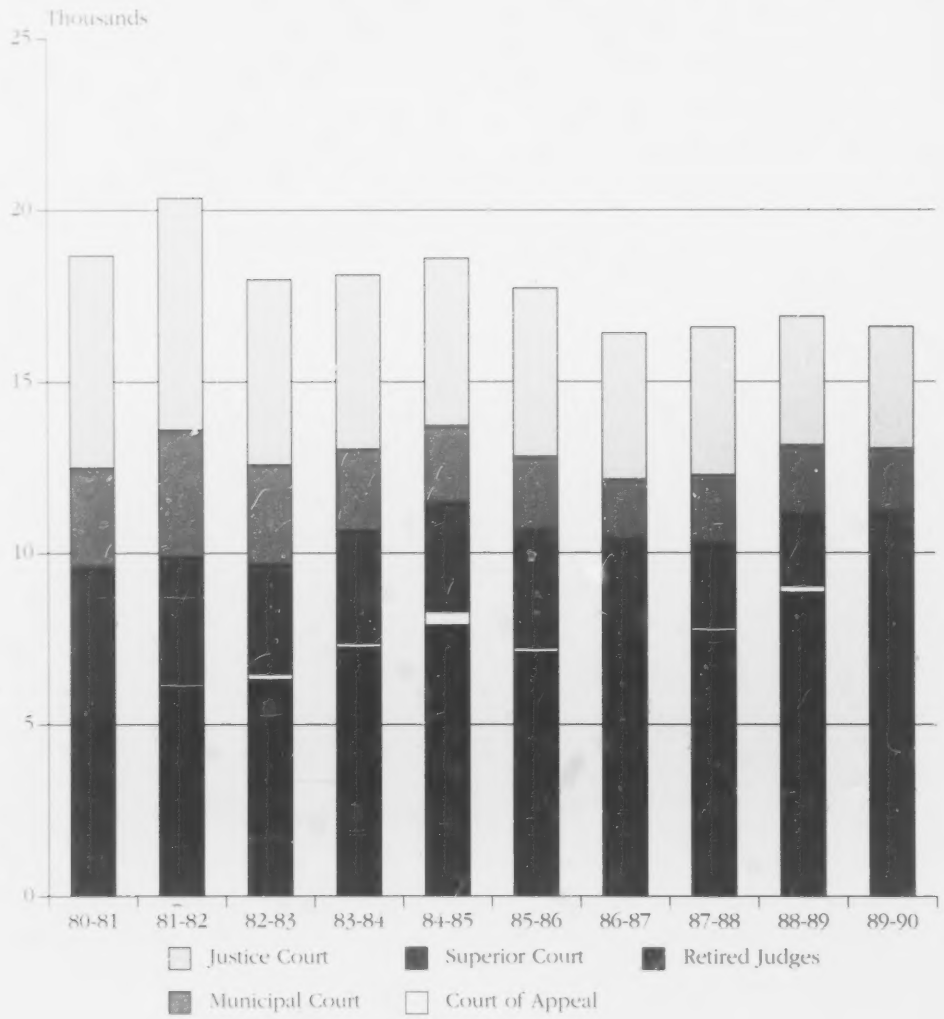
The assistance provided to superior courts by commissioners, referees, and attorneys acting as temporary judges amounted to the equivalent of 169 full-time judges in 1989–90.

Municipal courts

In 1989–90 the municipal courts received a total of 44,363 days of assistance from commissioners, referees, and attorneys acting as temporary judges. This is an increase of 10 percent from the previous fiscal year. Table 6 lists these days for individual municipal courts. Commissioners provided 73 percent of the assistance; attorneys, 23 percent; and referees, 4 percent.

Large metropolitan courts were the greatest users of this type of assistance. For example, six municipal courts used more than 1,000 days each and together used more than one-third of the total days of assistance.

FIGURE 1-Days Rendered to Courts of Appeal and Trial Courts Fiscal Years 1980–81 through 1989–90



SOURCE: TABLE 1

Judicial Assignments and Assistance
Table 1

Assistance Rendered by Judge Source To Courts of Appeal and Trial Courts Fiscal Years 1980–81 through 1989–90

Fiscal year	*Total* (A)	*Retired judges* (B)	*Courts of Appeal* (C)	*Superior courts* (D)	*Municipal courts* (E)	*Justice courts* (F)
Days rendered by judge source[a]						
1980–81	18,679	5,319	39	4,275	2,848	6,198
1981–82	20,353	6,104	68	3,746	3,669	6,766
1982–83	17,974	6,318	148	3,229	2,874	5,405
1983–84	18,109	7,258	106	3,302	2,360	5,083
1984–85	18,592	7,904	374	3,224	2,210	4,880
1985–86	17,720	7,117	106	3,472	2,119	4,906
1986–87	16,406	7,401	25	2,977	1,747	4,256
1987–88	16,579	7,726	81	2,505	1,961	4,306
1988–89	16,893[r]	8,855[r]	176	2,115	2,001	3,746
1989–90	**16,593**	**9,253**	**43**	**1,957**	**1,795**	**3,545**
Percent rendered by judge source[b]						
1980–81	100%	28%	0.2%	23%	15%	33%
1981–82	100	30	0.3	18	18	33
1982–83	100	35	0.8	18	16	30
1983–84	100	40	0.6	18	13	28
1984–85	100	43	2.0	17	12	26
1985–86	100	40	0.6	20	12	28
1986–87	100	45	0.2	18	11	26
1987–88	100	47	0.5	15	12	26
1988–89	100	52	1.0	13	12	22
1989–90	**100**	**56**	**0.3**	**12**	**11**	**21**

(A) Sum of columns (B) through (F). Components may not add to total due to rounding.
a Only includes assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges.
b Percentages may not add to 100% due to rounding.
r Revised.

Judicial Assignments and Assistance
Table 2

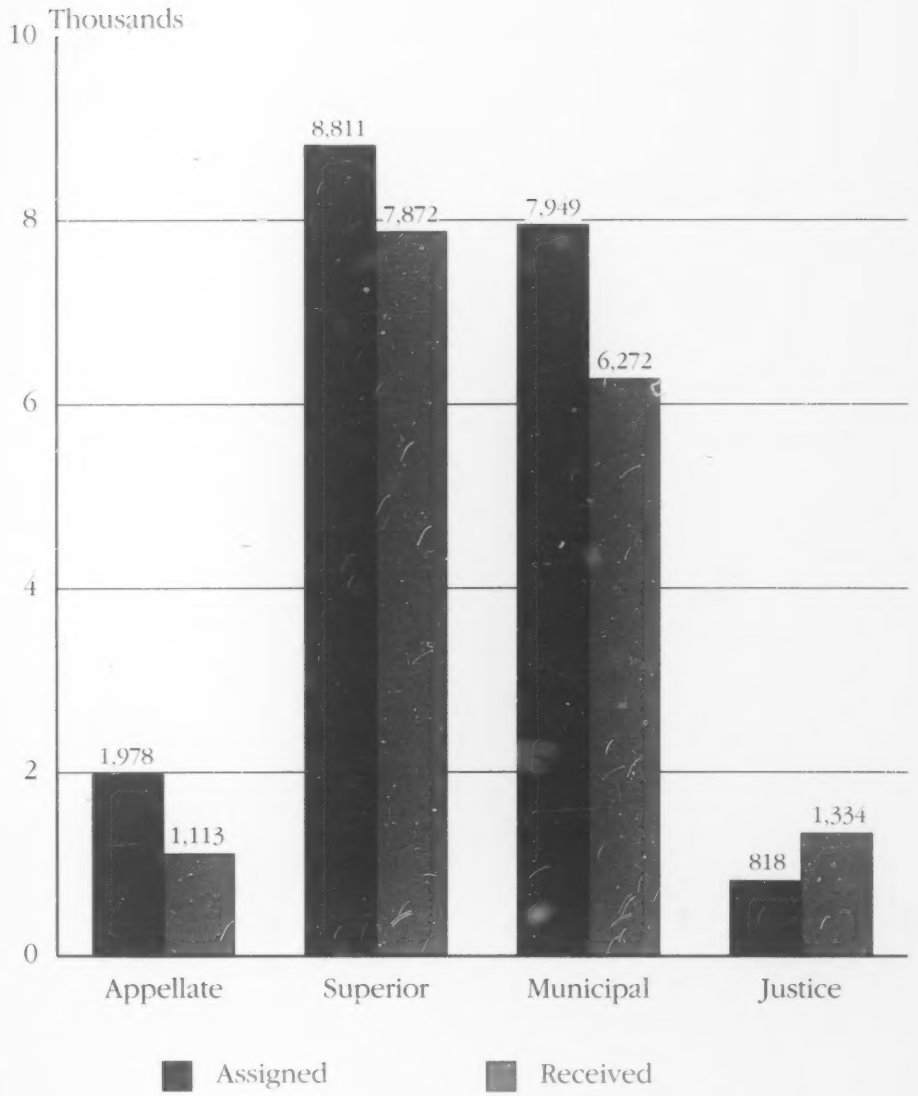
Assistance Received and Rendered[a] *By Type of Court Fiscal Years 1989–90 and 1988–89*

	Days received by									
	Total		*Courts of Appeal*		*Superior courts*		*Municipal courts*		*Justice courts*	
Days rendered by	*1989–90*	*1988–89*	*1989–90*	*1988–89*	*1989–90*	*1988–89*	*1989–90*	*1988–89*	*1989–90*	*1988–89*
Total[b]	16,593	16,893[r]	1,113	1,543	7,872	8,044	6,272	5,964	1,334	1,342[r]
Retired judges	9,253	8,855[r]	224	366	5,107	5,089	3,417	3,041	505	359[r]
Court of Appeal justices	43	176	18	112	25	64	0	0	0	0
Superior court judges	1,957	2,115	703	965	854	961	335	155	59	33
Municipal court judges	1,795	2,001	168	100	1,423	1,557	107	260	96	84
Justice court judges	3,545	3,746	0	0	460	373	2,411	2,507	672	865

	Assistance received by									
	Total		*Courts of Appeal*		*Superior courts*		*Municipal courts*		*Justice courts*	
Percent rendered by	*1989–90*	*1988–89*	*1989–90*	*1988–89*	*1989–90*	*1988–89*	*1989–90*	*1988–89*	*1989–90*	*1988–89*
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Retired judges	56	52	20	24	65	63	54	51	38	27
Court of Appeal justices	0	1	2	7	0	1	0	0	0	0
Superior court judges	12	13	63	63	11	12	5	3	4	2
Municipal court judges	11	12	15	6	18	19	2	4	7	6
Justice court judges	21	22	0	0	6	5	38	42	50	64

a Only includes assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges.
b Components may not add to total due to rounding.
r Revised.

FIGURE 2-Days Assigned and Received Fiscal Year 1989–90



Judicial Assignments and Assistance
Table 3

California Superior Courts Days Assigned, Received, and Rendered Fiscal Years 1989–90 and 1988–89

	1989–90					*1988–89*				
				Net days received (or rendered)					*Net days received (or rendered)*	
	Days assigned (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)	*Days assigned* (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)
Statewide total[a]	**8,811**	**7,872**	**1,957**	**5,915**	**3%**	**8,199**	**8,044**	**2,115**	**5,929**	**3%**
Alameda	515	507	10	497	6	818	718	19	699	9
Alpine	1	1	122	−121	−49	2	1	117	−115	−46
Amador	116	91	1	90	36	56	80	1	80	32
Butte	686	116	8	108	11	116	83	0	83	8
Calaveras	346	164	26	138	56	122	100	19	82	33
Colusa	3	62	65	−3	−1	12	25	44	−19	−8
Contra Costa	82	160	0	160	4	177	181	1	181	5
Del Norte	47	82	29	53	21	72	61	4	57	29
El Dorado	206	198	4	194	27	182	238	9	230	40
Fresno	127	123	11	112	3	121	131	40	91	2
Glenn	2	42	69	−27	−11	14	47	49	−1	−1
Humboldt	95	66	61	5	1	16	17	29	−12	−2
Imperial	2	26	31	−5	−1	47	42	0	42	6
Inyo	28	26	0	26	10	23	29	5	24	10
Kern	198	227	2	225	6	213	215	2	213	6
Kings	8	6	1	5	1	172	37	0	37	6
Lake	137	153	31	122	25	59	58	40	18	4
Lassen	20	87	3	84	34	10	116	7	109	44
Los Angeles	1,388	462	317	145	0	1,337	710	384	326	1
Madera	42	43	1	43	9	89	37	1	36	7
Marin	96	40	3	38	3	201	30	3	28	2
Mariposa	0	8	24	−16	−6	0	0	22	−22	−9
Mendocino	41	210	11	199	29	83	238	5	233	47
Merced	40	99	5	94	14	6	12	0	12	2
Modoc	1	4	63	−59	−24	0	2	64	−62	−25
Mono	41	15	11	4	2	24	21	15	7	3
Monterey	6	7	49	−42	−2	45	55	49	7	0
Napa	158	130	14	116	16	13	63	23	40	5
Nevada	84	29	14	15	2	17	39	105	−66	−13
Orange	1,017	817	228	589	4	804	728	220	507	4
Placer	28	56	2	54	5	103	24	4	20	2
Plumas	32	58	31	27	11	23	58	46	12	5
Riverside	327	386	49	337	6	313	371	154	217	4
Sacramento	319	198	1	197	3	389	329	8	321	4

California Superior Courts Days Assigned, Received, and Rendered Fiscal Years 1989–90 and 1988–89

	1989–90					1988–89				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)
Statewide total[a]	**8,811**	**7,872**	**1,957**	**5,915**	**3%**	**8,199**	**8,044**	**2,115**	**5,929**	**3%**
San Benito	71	16	6	10	4	2	10	22	−12	−5
San Bernardino	121	259	228	31	0	211	16	149	−133	−2
San Diego	191	1,344[b]	0	1,344	8	254	1,440[b]	92	1,348	9
San Francisco	794	271	0	271	4	293	168	35	133	2
San Joaquin	59	14	1	13	0	16	8	1	7	0
San Luis Obispo	46	28	2	26	2	62	70	9	61	6
San Mateo	63	50	0	50	1	304	128	1	127	3
Santa Barbara	86	5	4	1	0	11	1	3	−1	0
Santa Clara	345	431	145	286	3	387	424	11	412	5
Santa Cruz	1	1	49	−48	−4	86	68	18	49	5
Shasta	107	130	24	106	11	19	65	18	47	5
Sierra	9	14	68	−54	−22	5	36	90	−54	−22
Siskiyou	167	112	7	105	42	73	79	3	76	30
Solano	105	6	1	5	0	129	77	32	45	3
Sonoma	71	33	6	27	1	16	12	11	2	0
Stanislaus	0	0	31	−31	−2	0	0	0	0	0
Sutter	34	3	5	−2	0	146	147	6	141	33
Tehama	55	94	19	75	17	113	95	28	68	14
Trinity	13	27	45	−18	−7	10	11	19	−9	−3
Tulare	0	1	2	−1	0	3	7	12	−6	0
Tuolumne	107	131	15	116	27	106	132	7	125	50
Ventura	108	202	2	200	5	260	145	45	100	3
Yolo	18	5	0	5	1	9	15	8	7	1
Yuba	1	2	7	−5	−1	5	0	13	−13	−2

(A), (B) Days assigned may be greater than days received when assigned judges dispose of their caseload before the end of their assignment. However, days assigned may be less than days received due to blanket and reciprocal assignments. These assignments are not included in days assigned, but are included in days received (and rendered). Numerous blanket (within county) and reciprocal (between counties) assignments are issued each year by the Chief Justice to permit a judge of one court to sit as a judge of another court whenever the presiding or sole judges of the courts involved agree. In courts that utilize the blanket and reciprocal procedure, a separate assignment need not be issued by the Chief Justice each time judicial assistance is given or received.

(D) (B) – (C). A positive number indicates that the court received more days of assigned assistance than it rendered during the year. A negative number indicates that the court rendered more days than it received.

(E) 100 × (D)/(Net judge days). Net judge days are the number of days the court is open for business multiplied by the number of judge positions in the court that are not vacant.

a Components may not add to total due to rounding.

b Large number of days received due to extensive use of municipal court/superior court blanket assignments in San Diego County.

Judicial Assignments and Assistance
Table 4

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1989–90 and 1988–89

	1989–90					1988–89				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)
Statewide total[a]	**7,949**	**6,272**	**1,795**	**4,477**	**3%**	**6,805**	**5,964**	**2,001**	**3,963**	**3%**
Alameda County										
Alameda	38	33	0	33	13	13	11	0	11	4
Berkeley-Albany	10	13	0	13	1	29	26	11	15	2
Fremont-Newark-Union City	121	127	0	127	14	100	100	0	100	11
Livermore-Pleasanton	77	57	0	57	11	50	40	0	40	8
Oakland-Piedmont-Emeryville	203	149	5	144	4	161	145	16	129	4
San Leandro-Hayward	2	3	1	3	0	12	12	0	12	1
Butte County										
North Butte County	79	24	3	21	4	183	138	0	138	33
South Butte County	2	2	2	0	0	12	7	0	7	1
Contra Costa County										
Bay	28	24	0	24	2	39	37	4	33	3
Delta	126	116	0	116	23	92	75	9	66	13
Mt. Diablo	0	0	0	0	0	0	0	0	0	0
Walnut Creek-Danville	36	28	16	12	2	34	24	11	13	2
El Dorado County										
El Dorado	60	45	7	38	5	108	100	13	87	12
Fresno County										
Consolidated Fresno	312	297	5	292	12	270	203	60	143	6
Humboldt County										
Eureka	23	35	25	10	2	4	5	5	0	0
Imperial County										
Imperial	0	21	22	−1	0	0	0	15	−15	−2
Kern County										
Bakersfield[c]	9	8	10	−2	0	20	16	2	14	1
East Kern	60	57	0	57	11	38	59	1	58	12
North Kern[d]	6	0	0	0	0	–	–	–	–	–
South Kern[e]	14	18	0	18	7	–	–	–	–	–
Kings County										
Hanford	5	190	3	187	76	4	138	1	137	55
Los Angeles County										
Alhambra	0	0	0	0	0	0	0	0	0	0

Judicial Assignments and Assistance Table 4 (Continued)

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1989–90 and 1988–89

	1989–90					1988–89				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)
Statewide total[a]	**7,949**	**6,272**	**1,795**	**4,477**	**3%**	**6,805**	**5,964**	**2,001**	**3,963**	**3%**
Los Angeles County (continued)										
Antelope	1	1	0	1	0	35	21	0	21	3
Beverly Hills	182	160	0	160	23	49	59	0	59	8
Burbank	2	0	0	0	0	3	1	0	1	0
Citrus	26	0	0	0	0	0	0	1	−1	0
Compton	0	0	0	0	0	0	0	0	0	0
Culver	23	24	0	24	6	88	63	1	62	14
Downey	142	139	0	139	13	11	0	0	0	0
East Los Angeles	37	30	0	30	4	24	34	0	34	3
Glendale	1	0	0	0	0	3	0	3	−3	0
Inglewood	0	0	0	0	0	0	0	0	0	0
Long Beach	37	9	0	9	0	14	14	0	14	1
Los Angeles	1,043	824	53	771	4	957	825	51	774	4
Los Cerritos	9	22	0	22	3	14	3	0	3	0
Malibu	37	34	0	34	14	42	37	0	37	15
Newhall	9	4	0	4	1	4	3	1	2	0
Pasadena	6	5	0	5	1	31	27	0	27	3
Pomona	9	0	0	0	0	0	1	0	1	0
Rio Hondo	63	63	0	63	7	123	142	0	142	16
Santa Anita	0	0	0	0	0	77	76	0	76	31
Santa Monica	46	44	0	44	6	59	55	0	55	7
South Bay	59	21	5	18	1	95	5	13	−8	0
Southeast	18	13	0	13	1	12	9	0	9	1
Whittier	0	0	0	0	0	10	13	0	13	1
Marin County										
Marin	251	149	6	144	17	77	64	8	56	6
Mendocino County										
Mount San Hedrin[f]	0	73	6	67	27	–	–	–	–	–
Merced County										
Merced	10	12	2	10	1	25	22	4	18	2
Monterey County										
Monterey	0	62	1	61	3	3	9	1	8	0

Judicial Assignments and Assistance Table 4 (Continued)

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1989–90 and 1988–89

	1989–90					1988–89				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)
Statewide total[a]	**7,949**	**6,272**	**1,795**	**4,477**	**3%**	**6,805**	**5,964**	**2,001**	**3,963**	**3%**
Napa County										
Napa	52	58	89	−31	−4	18	18	60	−42	−6
Nevada County										
Nevada[g]	0	18	3	16	4	–	–	–	–	–
Orange County										
Central Orange County	30	0	13	−13	0	0	0	21	−21	−1
North Orange County	56	40	0	40	1	36	38	5	33	1
Orange County Harbor	51	24	0	24	1	0	13	0	13	1
South Orange County	61	51	0	51	5	124	91	0	91	10
West Orange County	117	84	0	84	4	31	27	40	−13	−1
Placer County										
Placer	50	38	6	32	4	160	130	3	127	25
Riverside County										
Corona	0	0	0	0	0	4	4	0	4	1
Desert	19	20	3	18	1	42	29	26	3	0
Mt. San Jacinto	184	104	2	102	15	15	15	0	15	2
Riverside	47	57	158	−101	−6	5	2	8	−6	0
Three Lakes	57	50	4	46	9	53	51	50	1	0
Sacramento County										
Sacramento	319	274	12	262	7	250	195	42	153	4
South Sacramento	13	16	0	16	6	9	12	0	12	5
San Bernardino County										
San Bernardino	927	1000	26	973	16	656	728	23	705	13
San Diego County										
El Cajon	450	0	539[b]	−539	−23	0	7	540[b]	−533	−21
North County	20	11	10	1	0	5	5	2	3	0
San Diego	46	0	651[b]	−651	−11	0	0	737[b]	−737	−12
South Bay	8	0	0	0	0	8	0	0	0	0
San Francisco County										
San Francisco	113	42	0	42	1	32	31	3	28	1
San Joaquin County										
Lodi	61	51	18	34	7	68	71	31	40	8
Manteca-Ripon-Escalon-Tracy	31	27	3	24	4	35	34	0	34	7
Stockton	4	0	1	−1	0	0	0	0	0	0

Judicial Assignments and Assistance Table 4 (Continued)

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1989–90 and 1988–89

	1989–90					1988–89				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)
Statewide total[a]	**7,949**	**6,272**	**1,795**	**4,477**	**3%**	**6,805**	**5,964**	**2,001**	**3,963**	**3%**
San Luis Obispo County										
San Luis Obispo	158	130	5	126	11	52	54	18	36	3
San Mateo County										
San Mateo	152	99	1	99	5	237	202	10	192	10
Santa Barbara County										
Lompoc	0	9	10	−1	0	0	15	4	11	4
Santa Barbara	12	7	0	7	1	2	5	0	5	1
Santa Maria	0	1	4	−3	−1	0	0	6	−6	−1
Santa Clara County										
Santa Clara	761	403	0	403	6	541	446	59	387	6
Santa Cruz County										
Santa Cruz	139	133	0	133	12	71	67	14	53	5
Shasta County										
Redding[h]	–	–	–	–	–	62	171	1	170	137
Shasta[h]	0	4	30	−26	−3	0	2	5	−3	−1
Solano County										
Northern Solano[i]	–	–	–	–	–	138	110	24	86	15
Northern Solano Consolidated[i]	117	74	5	70	8	0	21	0	0	0
Vallejo-Benicia	37	62	0	62	9	131	106	0	106	17
Sonoma County										
Sonoma	2	0	1	−1	0	2	0	0	0	0
Stanislaus County										
Stanislaus	75	51	0	51	3	248	118	0	118	7
Sutter County										
Sutter	46	40	0	40	11	188	83	15	68	36
Tulare County										
Porterville	33	18	2	16	4	203	91	2	89	36
Tulare-Pixley	89	75	0	75	22	200	155	1	154	62
Visalia	5	2	11	−9	−1	1	4	5	−1	0
Ventura County										
Ventura	63	41	11	30	1	93	47	7	40	2

Judicial Assignments and Assistance
Table 4
(Continued)

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1989–90 and 1988–89

	1989–90					*1988–89*				
				Net days received (or rendered)					*Net days received (or rendered)*	
	Days assigned (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)	*Days assigned* (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)
Statewide total[a]	**7,949**	**6,272**	**1,795**	**4,477**	**3%**	**6,805**	**5,964**	**2,001**	**3,963**	**3%**
Yolo County										
Yolo	322	225	13	212	26	159	151	7	144	16
Yuba County										
Yuba	0	0	0	0	0	1	1	5	−4	−1

(A), (B) Days assigned may be greater than days received when judges dispose of their caseload before the end of their assignment. However, days assigned may be less than days received due to blanket and reciprocal assignments. These assignments are not included in days assigned but are included in days received (and rendered). Numerous blanket (within county) and reciprocal (between counties) assignments are issued each year by the Chief Justice to permit a judge of one court to sit as a judge of another court whenever the presiding or sole judges of the courts involved agree. In courts that utilize the blanket and reciprocal procedure, a separate assignment need not be issued by the Chief Justice each time judicial assistance is given or received.

(D) (B) – (C). A positive number indicates that the court received more days of assigned assistance than it rendered during the year. A negative number indicates that the court rendered more days than it received.

(E) 100 × (D)/(Net judge days). Net judge days are the number of days the court is open for business multiplied by the number of judge positions in the court that are not vacant.

a Components may not add to total due to rounding.

b Large number of days rendered due to extensive use of municipal court/superior court blanket assignments in San Diego County.

c On January 1, 1990, West Kern Municipal Court became the Bakersfield Municipal Court.

d On January 1, 1990, Shafter-Wasco Justice Court combined with Delano-McFarland Justice Court to form the North Kern Municipal Court District.

e On January 1, 1990, Arvin-Lamont Justice Court combined with Maricopa-Taft Justice Court to form the South Kern Municipal Court District.

f On January 1, 1990, Ukiah–Little Lake Justice Court became the Mount San Hedrin Municipal Court District.

g On January 1, 1990, Grass Valley Justice Court combined with Nevada City Justice Court and Truckee Justice Court to form the Nevada County Municipal Court District.

h On January 1, 1989, Redding Municipal Court combined with Anderson Justice Court, Burney Justice Court, and Central Valley Justice Court to form the Shasta Municipal Court.

j On March 23, 1989, Rio Vista Justice Court combined with Northern Solano Municipal Court to form the Northern Solano Consolidated Municipal Court.

Judicial Assignments and Assistance
Table 5

California Superior Courts Days Rendered by Commissioners, Referees, and Temporary Judges Fiscal Year 1989–90

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total[a]	**36,896**	**22,630**	**8,390**	**5,874**
Alameda	54	0	54	0
Alpine	0	0	0	0
Amador	0	0	0	0
Butte	0	0	0	0
Calaveras	0	0	0	0
Colusa	0	0	0	0
Contra Costa	824	224	491	109
Del Norte	0	0	0	0
El Dorado	243	122	0	121
Fresno	984	0	930	54
Glenn	0	0	0	0
Humboldt	0	0	0	0
Imperial	78	0	75	3
Inyo	0	0	0	0
Kern	501	215	245	41
Kings	1	0	0	1
Lake	0	0	0	0
Lassen	0	0	0	0
Los Angeles	16,807	13,556	2,598	653
Madera	11	0	0	11
Marin	241	241	0	0
Mariposa	0	0	0	0
Mendocino	0	0	0	0
Merced	8	0	0	8
Modoc	0	0	0	0
Mono	0	0	0	0
Monterey	0	0	0	0
Napa	0	0	0	0
Nevada	0	0	0	0
Orange	3,035	2,647	117	272
Placer	57	0	11	46
Plumas	18	0	0	18
Riverside	1,128	801	6	321
Sacramento	947	0	460	487
San Benito	20	0	18	2

Judicial Assignments and Assistance
Table 5
(Continued)

California Superior Courts Days Rendered by Commissioners, Referees, and Temporary Judges Fiscal Year 1989–90

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total[a]	**36,896**	**22,630**	**8,390**	**5,874**
San Bernardino	1,208	839	145	225
San Diego	1,882	421	759	702
San Francisco	3,460	2,177	1,141	142
San Joaquin	0	0	0	0
San Luis Obispo	264	55	114	98
San Mateo	642	407	0	235
Santa Barbara	24	0	0	24
Santa Clara	2,861	293	502	2,066
Santa Cruz	102	0	97	5
Shasta	0	0	0	0
Sierra	0	0	0	0
Siskiyou	0	0	0	0
Solano	246	0	246	0
Sonoma	208	175	25	8
Stanislaus	477	462	15	0
Sutter	3	0	0	3
Tehama	0	0	0	0
Trinity	0	0	0	0
Tulare	247	0	247	0
Tuolumne	0	0	0	0
Ventura	200	0	0	200
Yolo	119	0	97	23
Yuba	0	0	0	0

(A) (B) + (C) + (D). Rounded to whole days.
(B) Excludes jury commissioners.
a Components may not add to total due to rounding.

Judicial Assignments and Assistance
Table 6

California Municipal Courts Days Rendered by Commissioners, Referees, and Temporary Judges Fiscal Year 1989–90

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total[a]	**44,363**	**32,385**	**1,871**	**10,106**
Alameda County				
Alameda	252	251	0	1
Berkeley-Albany	247	226	0	21
Fremont-Newark-Union City	533	385	0	148
Livermore-Pleasanton	290	218	0	72
Oakland-Piedmont-Emeryville	755	629	14	113
San Leandro-Hayward	235	204	12	19
Butte County				
North Butte County	26	0	0	26
South Butte County	20	0	0	20
Contra Costa County				
Bay	310	231	0	79
Delta	319	314	0	6
Mt. Diablo	266	252	0	15
Walnut Creek-Danville	289	260	0	29
El Dorado County				
El Dorado	408	317	24	68
Fresno County				
Consolidated Fresno	508	421	0	87
Humboldt County				
Eureka	22	0	0	22
Imperial County				
Imperial	196	0	180	16
Kern County				
Bakersfield[b]	474	269	184	21
East Kern	35	0	0	35
North Kern[c]	90	0	0	90
South Kern[d]	95	0	0	95
Kings County				
Hanford	2	0	0	2
Los Angeles County				
Alhambra	244	200	0	44
Antelope	0	0	0	0
Beverly Hills	568	253	0	315
Burbank	245	223	0	22
Citrus	592	544	0	48

Judicial Assignments and Assistance
Table 6
(Continued)

California Municipal Courts Days Rendered by Commissioners, Referees, and Temporary Judges Fiscal Year 1989–90

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total[a]	**44,363**	**32,385**	**1,871**	**10,106**
Los Angeles County (continued)				
Compton	1,264	1,163	0	101
Culver	385	304	0	81
Downey	654	401	17	216
East Los Angeles	780	606	0	174
Glendale	525	426	35	64
Inglewood	656	498	28	130
Long Beach	846	650	63	134
Los Angeles	8,507	5,341	0	3,166
Los Cerritos	637	622	0	15
Malibu	364	340	0	24
Newhall	42	0	0	42
Pasadena	699	629	60	10
Pomona	1,037	653	0	384
Rio Hondo	667	560	0	107
Santa Anita	685	658	0	27
Santa Monica	402	234	15	153
South Bay	584	422	0	162
Southeast	914	723	0	191
Whittier	442	417	0	25
Marin County				
Marin	529	448	57	25
Mendocino County				
Mount San Hedrin[e]	8	0	0	8
Merced County				
Merced	459	0	426	34
Monterey County				
Monterey	339	246	12	82
Napa County				
Napa	266	248	0	18
Nevada County				
Nevada[f]	0	0	0	0
Orange County				
Central Orange County	55	0	0	55
North Orange County	1,187	752	0	435
Orange County Harbor	534	382	0	152
South Orange County	744	687	0	57
West Orange County	566	317	0	249

Judicial Assignments and Assistance
Table 6
(Continued)

California Municipal Courts Days Rendered by Commissioners, Referees, and Temporary Judges Fiscal Year 1989–90

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total[a]	**44,363**	**32,385**	**1,871**	**10,106**
Placer County				
Placer	260	126	84	50
Riverside County				
Corona	224	204	0	21
Desert	287	216	0	71
Mt. San Jacinto	600	489	0	112
Riverside	512	448	0	64
Three Lakes	338	236	0	102
Sacramento County				
Sacramento	989	822	0	167
South Sacramento	0	0	0	0
San Bernardino County				
San Bernardino	510	451	6	53
San Diego County				
El Cajon	337	236	0	101
North County	537	484	0	53
San Diego	1,649	1,525	0	124
South Bay	290	224	0	66
San Francisco County				
San Francisco	277	12	76	189
San Joaquin County				
Lodi	10	0	6	4
Manteca-Ripon-Escalon-Tracy	4	0	0	4
Stockton	289	238	6	45
San Luis Obispo County				
San Luis Obispo	213	211	0	2
San Mateo County				
San Mateo	973	622	0	352
Santa Barbara County				
Lompoc	4	1	0	3
Santa Barbara	145	145	0	0
Santa Maria	247	233	0	14
Santa Clara County				
Santa Clara	1,431	1,033	0	399
Santa Cruz County				
Santa Cruz	572	248	248	77

California Municipal Courts Days Rendered by Commissioners, Referees, and Temporary Judges Fiscal Year 1989–90

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total[a]	**44,363**	**32,385**	**1,871**	**10,106**
Shasta County				
Shasta	160	138	4	19
Solano County				
Northern Solano	562	244	318	0
Vallejo-Benicia	0	0	0	0
Sonoma County				
Sonoma	0	0	0	0
Stanislaus County				
Stanislaus	300	220	0	80
Sutter County				
Sutter	1	0	0	1
Tulare County				
Porterville	69	58	0	11
Tulare-Pixley	64	62	0	2
Visalia	92	85	0	7
Ventura County				
Ventura	395	224	0	171
Yolo County				
Yolo	255	234	0	21
Yuba County				
Yuba	0	0	0	0

(A) (B) + (C) + (D). Rounded to whole days.
(B) Includes traffic commissioners and excludes jury commissioners.
(C) Includes days of assistance given by traffic referees.
a Components may not add to total due to rounding.
b On January 1, 1990, West Kern Municipal Court became the Bakersfield Municipal Court.
c On January 1, 1990, Shafter-Wasco Justice Court combined with Delano-McFarland Justice Court to form the North Kern Municipal Court District.
d On January 1, 1990, Arvin-Lamont Justice Court combined with Maricopa-Taft Justice Court to form the South Kern Municipal Court District.
e On January 1, 1990, Ukiah–Little Lake Justice Court became the Mount San Hedrin Municipal Court District.
f On January 1, 1990, Grass Valley Justice Court combined with Nevada City Justice Court and Truckee Justice Court to form the Nevada County Municipal Court District.

SUPREME COURT GLOSSARY

Attorney Disciplinary Proceedings. Proceedings concerning possible suspension, disbarment, and public or private reproval of attorneys for alleged violations of law or rules of professional conduct. Recommendations of the State Bar are reviewed by the Supreme Court as a matter of course. Also included are proceedings in which opinions were issued on petitions by attorneys for full review of State Bar recommendations and on petitions for reinstatement from previously disbarred attorneys. Supreme Court practice as to review of the State Bar's recommendations is changing.

Automatic Appeals. Criminal appeals by operation of law (Pen. Code, § 1239(b)) directly from a superior court to the Supreme Court upon imposition of a death penalty sentence.

Civil. Appeals or original proceedings concerning cases that are neither criminal nor juvenile delinquency proceedings.

Criminal. Appeals or original proceedings related to cases charging the violation of criminal law.

Original Proceedings. Petitions for writs within the Supreme Court's original jurisdiction. The most common types are mandamus and prohibition, which may relate to either civil or criminal matters, and habeas corpus.

Petitions for Review. Requests for Supreme Court review of Court of Appeal decisions.

Petitions for Review Denied. Orders by the Supreme Court declining to review Court of Appeal decisions.

Petitions for Review Granted. Orders by the Supreme Court granting review of Court of Appeal decisions.

Petitions for Review Granted and Held. Orders by the Supreme Court granting review of Court of Appeal decisions, which are held until a lead case addressing a related issue has been decided by the Supreme Court.

Petitions for Review Granted and Transferred. Orders by the Supreme Court granting review of Court of Appeal decisions but transferring review of the case to a Court of Appeal without additional action by the Supreme Court.

Written Opinions. The written decisions, with reasons stated, that determine the outcome of Supreme Court cases. For each case or group of consolidated cases only one opinion is reported in these tables. Concurring and dissenting opinions are not included.

COURT OF APPEAL GLOSSARY

Appeals. Proceedings for direct review of a judgment or appealable order of a trial court. Excludes collateral review by means of an original proceeding. (See Civil Appeals and Criminal Appeals.)

Civil Appeals. Appeals in cases that are neither criminal nor juvenile delinquency proceedings.

Civil Original Proceedings. Original proceedings in which the underlying case does not relate to a violation of criminal law.

Court of Appeal. The California court that hears appeals in all causes in which a superior court has original jurisdiction, except capital cases, and appeals in other special circumstances as prescribed by law.

Criminal Appeals. Appeals from the judgment or order in cases charging a violation of criminal law.

Criminal Original Proceedings. Original proceedings in which the underlying case is related to a violation of criminal law.

Disposition. Termination of an appeal or original proceeding. Types of Court of Appeal dispositions are either by written opinion, without opinion with record filed, or without opinion without record filed.

Fully Briefed. A pending appeal in which all briefs have been filed.

Notice Filed. The filing of a Notice of Appeal in a superior court, thereby initiating the appellate process.

Notice of Appeal. The document that is filed in a trial court and begins an appeal to a Court of Appeal.

Original Proceedings. Cases commenced in an appellate court; commonly called "writ proceedings." The most common are writs of mandamus and prohibition, which usually seek an order addressed to a lower court, and writs of habeas corpus, usually addressed to a person holding another in official custody. (See Civil Original Proceedings and Criminal Original Proceedings.)

Ninetieth Percentile (90%) Time. The value with 10 percent of the cases above it and 90 percent below it in a listing where time values are placed in order from shortest to longest.

Pending Appeals. Appeals awaiting decision.

Record Filed. The filing of the trial court clerk's transcript (copies of documents filed in the case) and the reporter's transcript (typed version of oral proceedings).

SUPERIOR COURT GLOSSARY

Appeals. Civil and criminal appeals from municipal and justice courts, including appeals in small claims matters.

Cases Awaiting Trial. Civil and criminal cases calendared for trial and civil cases in which at-issue memoranda have been filed but no trial dates have been assigned.

Commissioners. Subordinate judicial officers, employed by a county, who perform judicial or quasi-judicial duties assigned to them by a court. A commissioner may be authorized to decide only limited pretrial issues of fact and law, or may be authorized to conduct complete trials. Commissioners frequently act as temporary judges.

Contested Matters. Trials in which evidence was introduced by both sides.

Criminal Matters. The number of defendants against whom indictments, informations, or certifications were filed. At least one charge against the defendant must be a felony in order for the case to be filed in superior court. Some felonies, however, can be disposed of as misdemeanors in superior court.

Disposition. Termination of a proceeding. Civil dispositions *before trial* include transfers to another trial court, dismissals, summary judgments, and other judgments before trial. Criminal dispositions *before trial* include transfers to another trial court, sentences after pleas of guilty or no contest, and dismissals. Civil dispositions *after trial* include judgments and dismissals. Criminal dispositions *after trial* include acquittals, grants of probation, and sentences after conviction.

Eminent Domain. The number of parcels in a proceeding to take private property for public use and determine the amount of just compensation due the owner.

Family Law. A proceeding in which a petition has been filed for dissolution or voiding of a marriage or for legal separation.

Felonies. Criminal cases alleging offenses punishable by imprisonment in a state prison or by death.

Filings in Civil Matters. The number of civil cases for which complaints have been filed.

Filings in Criminal and Juvenile Matters. The number of defendants against whom criminal charges have been filed.

Habeas Corpus. Petitions for writs of habeas corpus and coram nobis, petitions seeking release from illegal restraints under section 1473 of the Penal Code, and petitions challenging involuntary detention for treatment under the Lanterman-Petris-Short Act. Habeas corpus may challenge either the legality of confinement or the conditions under which a person is confined.

Judgeships. Judicial positions with the power to exercise the full legal authority of the court, in which the judge sits by selection or assignment. The number of positions authorized by law, whether filled or vacant.

Judicial Position Equivalents. Estimates of the number of judicial officers who were present and available to perform court business. The estimates include authorized judgeships, adjusted to reflect judicial vacancies and assistance given to other courts; and assistance received from assigned judges, full-time and part-time referees and commissioners, and temporary judges serving by stipulation of the parties.

Judicial Positions. The number of judges authorized by law plus full-time referees and commissioners.

SUPERIOR COURT GLOSSARY (continued)

Juvenile Delinquency Proceedings. Petitions filed under Welfare and Institutions Code section 602 alleging violation of a criminal statute, and petitions filed under Welfare and Institutions Code section 601 alleging that a minor is beyond the control of parents or guardians but has not violated any law. Prior to 1977 both sections were referred to as delinquency. An *original petition* commences a delinquency proceeding. A *subsequent petition* adds additional allegations against a minor child who is already subject to the court's jurisdiction.

Juvenile Dependency Proceedings. Petitions filed under Welfare and Institutions Code section 300 seeking to make a minor child a ward of the court because of dependency or neglect. An *original petition* commences a dependency proceeding. A *subsequent petition* adds additional allegations of dependency for a minor child who is already subject to the court's jurisdiction.

Median Time. The value with half the cases above and half the cases below it in a listing where time values are placed in order from shortest to longest.

Mental Health Proceedings. Selected proceedings to detain a person under the Lanterman-Petris-Short Act; proceedings to examine or detain a person as a mentally retarded individual, a narcotic addict, a mentally disordered prisoner at the time of parole or termination of parole, or a mentally disordered sex offender for a crime committed before January 1, 1982; and proceedings to determine the present sanity of a criminal defendant.

Motor Vehicle Personal Injury, Death, and Property Damage. Actions for damages in excess of $25,000 for physical injury to persons and property, and actions for wrongful death *related only to* motor vehicle accidents. (The upper monetary limit for filing in municipal and justice courts was changed from $15,000 to $25,000 on January 1, 1986.)

Other Civil Complaints. Cases not covered in any other civil case category. If the requested relief is for money, to be filed in superior court the claim must be in excess of $25,000. (The upper monetary limit for filing in municipal and justice courts was changed from $15,000 to $25,000 on January 1, 1986.)

Other Civil Petitions. Petitions for adoption; for change of name; to establish the fact of birth or death (if not part of a pending probate proceeding); for writs of review, mandamus, and prohibition; for conciliation (when not part of a pending family law proceeding); petitions filed under the Reciprocal Enforcement of Support Act; and other special proceedings.

Personal Injury, Death, and Property Damage. All actions for damages in excess of $25,000 for physical injury to persons and property, and actions for wrongful death, *excluding* those related to motor vehicle accidents. (The upper monetary limit for filing in municipal and justice courts was changed from $15,000 to $25,000 on January 1, 1986.)

Probate and Guardianship. All probate proceedings, will contests, guardianship and conservatorship proceedings (including conservatorship proceedings under the Lanterman-Petris-Short Act), and petitions to compromise minors' claims (when not part of a pending action or proceeding).

Referees. Subordinate judicial officers employed by a court, handling matters assigned by the court such as traffic law violations.

SUPERIOR COURT GLOSSARY (continued)

Uncontested Matters. Trials in which evidence was introduced by one side only.

Weighted Filings. Estimates of the case-related judicial minutes needed to process an annual caseload, determined by adding the products of filings and a corresponding filing weight in each case category. When weighted filings are divided by the appropriate judge-year value, they yield an estimate of the number of judicial positions required to dispose of cases filed during the year.

MUNICIPAL AND JUSTICE COURT GLOSSARY

Cases Awaiting Trial. Criminal and civil cases calendared for trial and civil cases in which memoranda to set have been filed but no trial dates have been assigned. Small claims cases are excluded.

Civil. All civil matters with a value of $25,000 or less, except small claims matters.

Commissioners. Subordinate judicial officers, employed by a county, who perform judicial or quasi-judicial duties assigned to them by a court. A commissioner may be authorized to decide only limited pretrial issues of fact and law, or may be authorized to conduct complete trials. Commissioners frequently act as temporary judges.

Contested Matters. Trials in which evidence was introduced by both sides.

Disposition. Termination of a proceeding. Civil dispositions *before trial* include dismissals, transfers, summary judgments, and other judgments before trial. Criminal dispositions *before trial* include bail forfeitures, dismissals, transfers to another trial court, and certification of pleas of guilty to superior court. Civil dispositions *after trial* include judgments and dismissals. Criminal dispositions *after trial* include acquittals, dismissals, grants of probation, sentences after conviction, and defendants who are held to answer in the superior court after preliminary hearing on felony charges.

Felonies. Criminal cases alleging offenses punishable by imprisonment in a state prison or by death. Such cases are filed in municipal and justice courts, which conduct preliminary hearings to determine if there is sufficient evidence to hold the defendant to answer in superior court.

Filings in Civil Matters. The number of cases for which complaints have been filed.

Filings in Criminal Matters. The number of defendants against whom criminal charges have been filed.

Group A Misdemeanors. Non-traffic misdemeanor violations of the Penal Code and other state statutes, excluding Fish and Game Code violations and intoxication complaints.

Group B Misdemeanors. Non-traffic misdemeanor violations of local city and county ordinances, Fish and Game Code violations, and intoxication complaints.

Group C Misdemeanors. Violations of Vehicle Code sections 20002 (hit and run, property damage), 23104 (reckless driving, causing injury), and 23152 (driving under the influence of alcohol or drugs).

Group D Misdemeanors. All traffic misdemeanor violations that are not included in the Group C misdemeanor category.

Illegal Parking. All violations of parking regulations established by state statutes and local ordinances.

Judgeships. Judicial positions with the power to exercise the full legal authority of the court, in which the judge sits by selection or assignment. The number of positions authorized by law, whether filled or vacant.

Judicial Position Equivalents. Estimates of the number of judicial officers who were available to conduct court business. The estimates include authorized judgeships, adjusted to reflect vacancies and assistance given to other courts; and assistance received from assigned judges, full-time and part-time commissioners and referees, and temporary judges serving by stipulation of the parties.

MUNICIPAL AND JUSTICE COURT GLOSSARY (continued)

Judicial Positions. The number of judgeships authorized by law plus full-time referees and commissioners.

Juvenile Orders. Orders issued by municipal court judges and traffic hearing officers, designated by the superior court pursuant to Welfare and Institutions Code section 257, regarding nonfelony violations of law by minors.

Nontraffic Infractions. Nontraffic violations of state statutes and local city and county ordinances that are specified as infractions.

Reduced to Misdemeanors. Cases in which charges originally filed as felonies are disposed of as misdemeanors.

Referees. Subordinate judicial officers employed by a court, handling matters assigned by the court such as traffic law violations.

Small Claims. All matters filed in small claims court (value of $2,000 or less). (The jurisdictional limit increased from $1,500 to $2,000 effective January 1, 1989.)

Traffic Infractions. All traffic-related violations of state statutes and city and county ordinances that are specified as infractions but excluding parking violations.

Uncontested Matters. Trials in which evidence was not introduced by both sides, including traffic matters where the officer's written statement or citation is introduced in lieu of the officer's appearance.

Weighted Filings. Estimates of the case-related judicial minutes needed to process an annual caseload, determined by adding the products of filings and a corresponding filing weight in each case category. When weighted filings are divided by the appropriate judge-year value, they yield an estimate of the number of judicial positions required to dispose of cases filed during the year.